PB82-255696

# Final Environmental Impact Statement
# Mill Creek Area, Jefferson County
# Kentucky Wastewater Facilities

(U.S.) Environmental Protection Agency
Atlanta, GA

Jul 82

U.S. Department of Commerce
National Technical Information Service
NTIS

United States
Environmental Protection
Agency

Region 4
345 Courtland Street, NE
Atlanta, GA 30365

904/9-82-097
July 1982

PB82-255696

EPA

# Environmental Impact Statement

Final

## Mill Creek Area
## Jefferson County, Kentucky

## Wastewater Facilities

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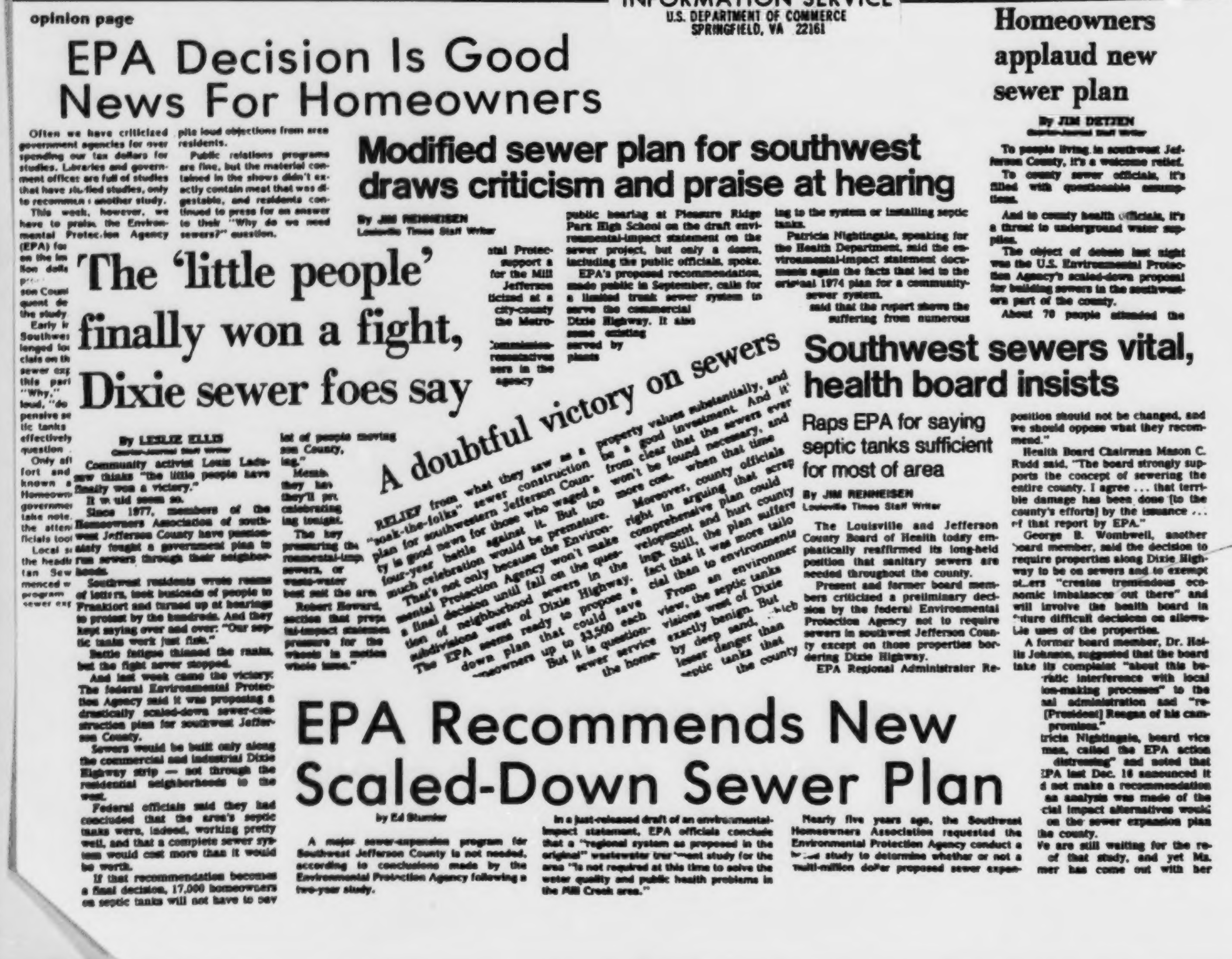

opinion page

EPA Decision Is Good News For Homeowners

Often we have criticized government agencies for over spending our tax dollars for studies. Libraries and government offices are full of studies that have studied studies, only to recommend another study.

This week, however, we have to praise the Environmental Protection Agency (EPA) for

pite loud objections from area residents.

Public relations programs are fine, but the material contained in the shows didn't exactly contain meat that was digestable, and residents continued to press for an answer to their "Why do we need sewers?" question.

Modified sewer plan for southwest draws criticism and praise at hearing

By JIM RENNEISEN
Louisville Times Staff Writer

public hearing at Pleasure Ridge Park High School on the draft environmental-impact statement on the sewer project, but only a dozen, including the public officials, spoke.

EPA's proposed recommendation, made public in September, calls for a limited trunk sewer system to serve the commercial Dixie Highway. It also

ing to the system or installing septic tanks.

Patricia Nightingale, speaking for the Health Department, said the environmental-impact statement documents again the facts that led to the original 1974 plan for a community-sewer system.

said that the report shows the suffering from numerous

Homeowners applaud new sewer plan

By JIM DETJEN
Courier-Journal Staff Writer

To people living in southwest Jefferson County, it's a welcome relief.

To county sewer officials, it's filled with questionable assumptions.

And to county health officials, it's a threat to underground water supplies.

The object of debate last night was the U.S. Environmental Protection Agency's scaled-down proposal for building sewers in the southwestern part of the county.

About 70 people attended the

The 'little people' finally won a fight, Dixie sewer foes say

By LESLIE ELLIS
Courier-Journal Staff Writer

Community activist Louis Ladesaw thinks "the little people have finally won a victory."

It would seem so.

Since 1977, members of the Homeowners Association of southwest Jefferson County have passionately fought a government plan to run sewers through their neighborhoods.

Southwest residents wrote reams of letters, took busloads of people to Frankfort and turned up at hearings to protest by the hundreds. And they kept saying over and over: "Our septic tanks work just fine."

Battle fatigue thinned the ranks, but the fight never stopped.

And last week came the victory: The federal Environmental Protection Agency said it was proposing a drastically scaled-down sewer-construction plan for southwest Jefferson County.

Sewers would be built only along the commercial and industrial Dixie Highway strip — not through the residential neighborhoods to the west.

Federal officials said they had concluded that the area's septic tanks were, indeed, working pretty well, and that a complete sewer system would cost more than it would be worth.

If that recommendation becomes a final decision, 17,000 homeowners on septic tanks will not have to pay

A doubtful victory on sewers

RELIEF from what they saw as a "soak-the-folks" sewer construction plan for southwestern Jefferson County is good news for those who waged a four-year battle against it. But too much celebration would be premature.

That's not only because the Environmental Protection Agency won't make a final decision until fall on the question of neighborhood sewers in the subdivisions west of Dixie Highway. The EPA seems ready to propose a

property values substantially, and be a good investment. And it's from clear that the sewers ever won't be found necessary, and more cost when that time

Moreover, county officials right in arguing that scrap comprehensive plan could velopment and hurt county ings. Still, the plan suffers fact that it was more tailo cial than to environmental

From an environmental view, the septic tanks visions west of Dixie exactly benign. But by deep sand, lesser danger than septic tanks that

Southwest sewers vital, health board insists

Raps EPA for saying septic tanks sufficient for most of area

By JIM RENNEISEN
Louisville Times Staff Writer

The Louisville and Jefferson County Board of Health today emphatically reaffirmed its long-held position that sanitary sewers are needed throughout the county.

Present and former board members criticized a preliminary decision by the federal Environmental Protection Agency not to require sewers in southwest Jefferson County except on those properties bordering Dixie Highway.

EPA Regional Administrator Re-

position should not be changed, and we should oppose what they recommend."

Health Board Chairman Mason C. Rudd said, "The board strongly supports the concept of sewering the entire county. I agree ... that terrible damage has been done [to the county's efforts] by the issuance ... of that report by EPA."

George B. Wombwell, another board member, said the decision to require properties along Dixie Highway to be on sewers and to exempt others "creates tremendous economic imbalances out there" and will involve the health board in future difficult decisions on allowable uses of the properties.

A former board member, Dr. Hollis Johnson, suggested that the board take its complaint "about this bureaucratic interference with local decision-making processes" to the federal administration and "remind [President] Reagan of his campaign promises."

Patricia Nightingale, board vice chairman, called the EPA action "distressing" and noted that EPA last Dec. 16 announced it would not make a recommendation until an analysis was made of the financial impact alternatives would have on the sewer expansion plan for the county.

We are still waiting for the results of that study, and yet Ms. ...mer has come out with her

EPA Recommends New Scaled-Down Sewer Plan

by Ed Stumler

A major sewer-expansion program for Southwest Jefferson County is not needed, according to conclusions made by the Environmental Protection Agency following a two-year study.

In a just-released draft of an environmental-impact statement, EPA officials conclude that a "regional system as proposed in the original" wastewater treatment study for the area "is not required at this time to solve the water quality and public health problems in the Mill Creek area."

Nearly five years ago, the Southwest Homeowners Association requested the Environmental Protection Agency conduct a study to determine whether or not a multi-million dollar proposed sewer expan-

50272-101

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U.S. EPA, Environmental Assessment Branch
NEPA Compliance Section
345 Courtland Street
Atlanta, GA 30365

**10. Project/Task/Work Unit No.**

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(G)

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This final EIS addresses proposed wastewater facilities for the Mill Creek area of southwest Jefferson County, Kentucky. Numerous wastewater management alternatives ranging from complete reliance on existing on-site systems to a full regional system were evaluated in this EIS. At issue in the Mill Creek Area EIS is the need for EPA to provide Federal funds for sewer service to residential areas currently served by individual on-lot systems and the provision of sewer service to the Louisville-Jefferson County Riverport Industrial Park. The Final EIS selected alternative involves a limited sewer alternative in which the Dixie Highway commerical corridor and most, if not all, of the small wastewater treatment plants in the Mill Creek area will be served by a limited regional facility. It is proposed that residential areas now served by on-lot systems in the Mill Creek area will remain on these systems.

**17. Document Analysis a. Descriptors**

Jefferson County, Kentucky
MIll Creek
wastewater management
Wastewater plants

**b. Identifiers/Open-Ended Terms**

**c. COSATI Field/Group**

**18. Availability Statement**

**19. Security Class (This Report)**

**20. Security Class (This Page)**

**21. No. of Pages**

**22. Price**

(See ANSI-Z39.18) See Instructions on Reverse

OPTIONAL FORM 272 (4-77)
(Formerly NTIS-35)
Department of Commerce

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30365

AUG 13 1982

TO: ALL INTERESTED AGENCIES, PUBLIC GROUPS AND CITIZENS

Enclosed for your review and comment is the Final Environmental Impact Statement (EIS) for proposed wastewater facilities for the Mill Creek area of southwest Jefferson County, Kentucky.

This EIS was prepared in compliance with the National Environmental Policy Act and implementing Agency regulations (40 CFR Part 6, November 6, 1979). In accordance with these regulations, the Final EIS will be filed with EPA's Office of Federal Activities. Availability of the EIS will then be announced in the Federal Register, beginning a 30-day comment period. (The Federal Register date is the same as the date of this notice.) This Agency will take no administrative action on this project until the close of the comment period.

We will appreciate your review of this document and any comments you may have. Please send all comments to Robert B. Howard, Chief, NEPA Compliance Section at the above address.

# Final
# Environmental Impact Statement

## Mill Creek Area
## Jefferson County, Kentucky

U.S. Environmental Protection Agency
Region IV
Atlanta, Georgia 30365

This Final EIS addresses proposed wastewater facilities for the Mill Creek area of southwest Jefferson County, Kentucky. Numerous wastewater management alternatives ranging from complete reliance on existing on-site systems to a full regional system were evaluated in this EIS. At issue in the Mill Creek Area EIS is the need for EPA to provide Federal funds for sewer service to residential areas currently served by individual on-lot systems and the provision of sewer service to the Louisville-Jefferson County Riverport Industrial Park.

The Final EIS selected alternative involves a limited sewer alternative in which the Dixie Highway commerical corridor and most, if not all, of the small wastewater treatment plants in the Mill Creek area will be served by a limited regional facility. It is proposed that residential areas now served by on-lot systems in the Mill Creek area will remain on these systems.

Comments or inquiries should be forwarded to:

Robert B. Howard, Chief
NEPA Compliance Section
EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365
404/881-7458

Approved by:

Charles R. Jeter
Regional Administrator

May 5, 1982
Date

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION IV ATLANTA, GEORGIA

# FINAL
# ENVIRONMENTAL IMPACT
# STATEMENT

for

The Mill Creek Area, Louisville
Jefferson County, Kentucky

June 1982

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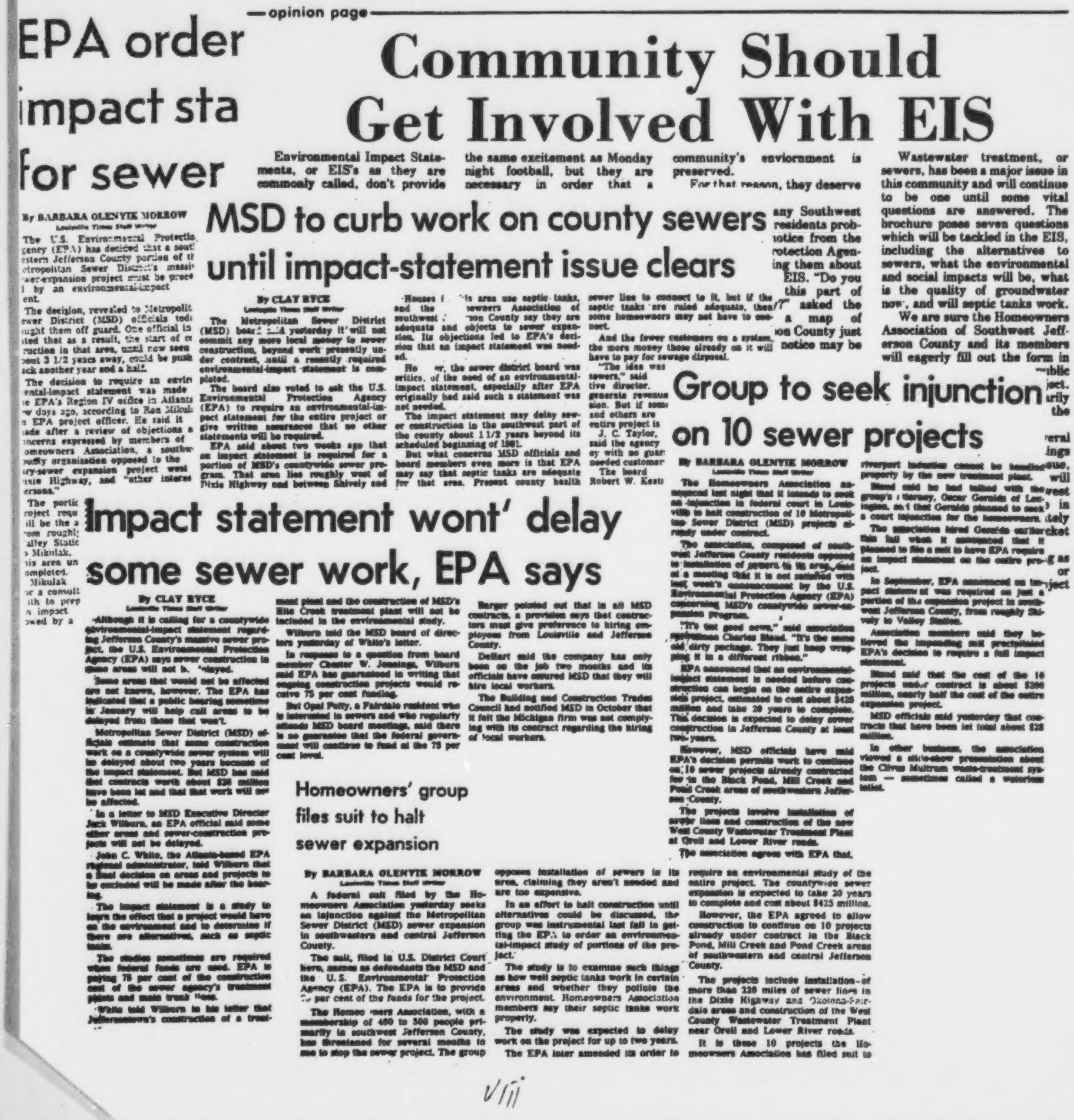
# Executive Summary



—opinion page—

# Community Should Get Involved With EIS

Environmental Impact Statements, or EIS's as they are commonly called, don't provide the same excitement as Monday night football, but they are necessary in order that a community's enviornment is preserved.

For that reason, they deserve

any Southwest residents prob- notice from the rotection Agen- ing them about EIS. "Do you this part of ?" asked the a map of on County just notice may be

Wastewater treatment, or sewers, has been a major issue in this community and will continue to be one until some vital questions are answered. The brochure poses seven questions which will be tackled in the EIS, including the alternatives to sewers, what the environmental and social impacts will be, what is the quality of groundwater now, and will septic tanks work.

We are sure the Homeowners Association of Southwest Jefferson County and its members will eagerly fill out the form in ublic ject. arily the eral ings sue, will west in itely cket g as or ject

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# EPA order impact sta for sewer

By BARBARA OLENYIK MORROW
Louisville Times Staff Writer

The U.S. Environmental Protectio gency (EPA) has decided that a sout estern Jefferson County portion of th etropolitan Sewer District's massi wer-expansion project must be prece l by an environmental-impact ent.

The decision, revealed to Metropolit ewer District (MSD) officials tod ught them off guard. One official in ated that as a result, the start of co ruction in that area, until now seen out 3 1/2 years away, could be push ack another year and a half.

The decision to require an envir ental-impact statement was made e EPA's Region IV office in Atlanta w days ago, according to Ron Mikul n EPA project officer. He said it ade after a review of objections a ncerns expressed by members of omeowners Association, a southw ounty organization opposed to the ary-sewer expansion project west ixie Highway, and "other interes ersons."

The portic roject requ ill be the a rom roughl alley Static o Mikulak, his area un ompleted. Mikulak or a consult ith to prep n impact owed by a

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# MSD to curb work on county sewers until impact-statement issue clears

By CLAY RYCE
Louisville Times Staff Writer

The Metropolitan Sewer District (MSD) board said yesterday it will not commit any more local money to sewer construction, beyond work presently under contract, until a recently required environmental-impact statement is completed.

The board also voted to ask the U.S. Environmental Protection Agency (EPA) to require an environmental-impact statement for the entire project or give written assurances that no other statements will be required.

EPA said about two weeks ago that an impact statement is required for a portion of MSD's countywide sewer program. That area lies roughly west of Dixie Highway and between Shively and

Houses i is area use septic tanks, and the owners Association of southwest on County say they are adequate and objects to sewer expansion. Its objections led to EPA's decision that an impact statement was needed.

Ho er, the sewer district board was critica of the need of an environmental-impact statement, especially after EPA originally had said such a statement was not needed.

The impact statement may delay sewer construction in the southwest part of the county about 1 1/2 years beyond its scheduled beginning of 1981.

But what concerns MSD officials and board members even more is that EPA may say that septic tanks are adequate for that area. Present county health

sewer line to connect to it, but if the septic tanks are ruled adequate, then some homeowners may not have to connect.

And the fewer customers on a system, the more money those already on it will have to pay for sewage disposal.

"The idea was sewers," said tive director. generate revenue sion. But if some and others are entire project is J. C. Taylor, said the agency ey with no guar needed customer The board Robert W. Keats

---

# Group to seek injunction on 10 sewer projects

By BARBARA OLENYIK MORROW
Louisville Times Staff Writer

The Homeowners Association announced last night that it intends to seek an injunction in federal court in Louisville to halt construction of 10 Metropolitan Sewer District (MSD) projects already under contract.

The association, composed of southwest Jefferson County residents opposed to installation of sewers in its area, said at a meeting that it is not satisfied with last week's announcement by the U.S. Environmental Protection Agency (EPA) concerning MSD's countywide sewer-expansion program.

"It's not good news," said association spokesman Charles Blead. "It's the same old dirty package. They just keep wrapping it in a different ribbon."

EPA announced that an environmental-impact statement is needed before construction can begin on the entire expansion project, estimated to cost about $425 million and take 20 years to complete. This decision is expected to delay sewer construction in Jefferson County at least two years.

However, MSD officials have said EPA's decision permits work to continue on 10 sewer projects already contracted for in the Black Pond, Mill Creek and Pond Creek areas of southwestern Jefferson County.

The projects involve installation of sewer lines and construction of the new West County Wastewater Treatment Plant at Orell and Lower River roads.

The association agrees with EPA that

riverport industries cannot be handled properly by the new treatment plant.

Blead said he had talked with the group's attorney, Oscar Geralds of Lexington, and that Geralds planned to seek a court injunction for the homeowners.

The association hired Geralds earlier this fall when it announced that it planned to file a suit to have EPA require an impact statement on the entire project.

In September, EPA announced an impact statement was required on just a portion of the expansion project in southwest Jefferson County, from roughly Shively to Valley Station.

Association members said they believed the impending suit precipitated EPA's decision to require a full impact statement.

Blead said that the cost of the 10 projects under contract is about $200 million, nearly half the cost of the entire expansion project.

MSD officials said yesterday that contracts that have been let total about $28 million.

In other business, the association viewed a slide-show presentation about the Clivus Multrum waste-treatment system — sometimes called a waterless toilet.

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# Impact statement wont' delay some sewer work, EPA says

By CLAY RYCE
Louisville Times Staff Writer

Although it is calling for a countywide environmental-impact statement regarding Jefferson County's massive sewer project, the U.S. Environmental Protection Agency (EPA) says sewer construction in some areas will not be delayed.

Some areas that would not be affected are not known, however. The EPA has indicated that a public hearing sometime in January will help cull areas to be delayed from those that won't.

Metropolitan Sewer District (MSD) officials estimate that some construction work on a countywide sewer system will be delayed about two years because of the impact statement. But MSD has said that contracts worth about $28 million have been let and that that work will not be affected.

In a letter to MSD Executive Director Jack Wilburn, an EPA official said some other areas and sewer-construction projects will not be delayed.

John C. White, the Atlanta-based EPA regional administrator, told Wilburn that a final decision on areas and projects to be excluded will be made after the hearing.

The impact statement is a study to learn the effect that a project would have on the environment and to determine if there are alternatives, such as septic tanks.

The studies sometimes are required when federal funds are used. EPA is paying 75 per cent of the construction cost of the sewer agency's treatment plants and main trunk lines.

White told Wilburn in his letter that Jeffersontown's construction of a treatment plant and the construction of MSD's Hite Creek treatment plant will not be included in the environmental study.

Wilburn told the MSD board of directors yesterday of White's letter.

In response to a question from board member Chester W. Jennings, Wilburn said EPA has guaranteed in writing that ongoing construction projects would receive 75 per cent funding.

But Opal Petty, a Fairdale resident who is interested in sewers and who regularly attends MSD board meetings, said there is no guarantee that the federal government will continue to fund at the 75 per cent level.

Barger pointed out that in all MSD contracts, a provision says that contractors must give preference to hiring employees from Louisville and Jefferson County.

DeHart said the company has only been on the job two months and its officials have assured MSD that they will hire local workers.

The Building and Construction Trades Council had notified MSD in October that it felt the Michigan firm was not complying with its contract regarding the hiring of local workers.

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# Homeowners' group files suit to halt sewer expansion

By BARBARA OLENYIK MORROW
Louisville Times Staff Writer

A federal suit filed by the Homeowners Association yesterday seeks an injunction against the Metropolitan Sewer District (MSD) sewer expansion in southwestern and central Jefferson County.

The suit, filed in U.S. District Court here, names as defendants the MSD and the U.S. Environmental Protection Agency (EPA). The EPA is to provide 75 per cent of the funds for the project.

The Homeowners Association, with a membership of 400 to 500 people primarily in southwest Jefferson County, has threatened for several months to sue to stop the sewer project. The group opposes installation of sewers in its area, claiming they aren't needed and are too expensive.

In an effort to halt construction until alternatives could be discussed, the group was instrumental last fall in getting the EPA to order an environmental-impact study of portions of the project.

The study is to examine such things as how well septic tanks work in certain areas and whether they pollute the environment. Homeowners Association members say their septic tanks work properly.

The study was expected to delay work on the project for up to two years.

The EPA later amended its order to require an environmental study of the entire project. The countywide sewer expansion is expected to take 20 years to complete and cost about $425 million.

However, the EPA agreed to allow construction to continue on 10 projects already under contract in the Black Pond, Mill Creek and Pond Creek areas of southwestern and central Jefferson County.

The projects include installation of more than 220 miles of sewer lines in the Dixie Highway and Okolona-Fairdale areas and construction of the West County Wastewater Treatment Plant near Orell and Lower River roads.

It is these 10 projects the Homeowners Association has filed suit to

viii

# EXECUTIVE SUMMARY FOR ENVIRONMENTAL IMPACT STATEMENT

## MILL CREEK AREA, LOUISVILLE-JEFFERSON COUNTY, KENTUCKY

Draft ( )
Final ( X )

Environmental Protection Agency
Region IV
345 Courtland Street
Atlanta, Georgia 30365

Type of Action: Administrative Action ( X )
Legislative Action ( )

## EXECUTIVE SUMMARY

### 1. Existing Problem

The 1974 Water Quality Management Plan (201 Plan) for metropolitan Louisville recommended that the Mill Creek area in southwestern Jefferson County be served by a regional sewerage system. The system would relieve all existing septic tank-seepage pit systems and small-area wastewater treatment plants. The West County Wastewater Treatment Plant would be built to serve the Mill Creek and Pond Creek areas, Shively, and part of Louisville now served by the Morris Forman Treatment Plant. Several segments of the 201 interceptor system have since been built (Figure 1) and design of the West County plant is under way.

In March 1977 the Southwest Jefferson County Homeowners Association wrote to the President's Council on Environmental Quality and EPA requesting an EIS on the 201 Study. In January 1978, the Homeowners Association filed suit in U.S. District Court to enjoin EPA and the Louisville and Jefferson County Metropolitan Sewer District (MSD) from further implementing the 201 Plan. The concerns raised by area residents were many, but basically they were:

1. Area septic tank systems are now adequately serving the needs of the community and sewers are not needed.

2. The cost of sewers to area homeowners would be high ($2,500-$3,000 hook-up plus monthly charge) and constitutes an unnecessary burden since the on-site systems are functional.

3. Public sewer service should not be provided to the proposed Riverport Industrial Park.

4. The assumption that a regional sewerage system will more adequately protect the environment is questionable.

In September 1977, EPA issued a Notice of Intent to prepare an EIS for the Mill Creek service area. The EIS Notice of Intent was reissued and a Negative Declaration for the West County Treatment Plant and the Pond Creek sewerage system was issued in May 1978. The Draft EIS was issued in September 1981 and the Draft EIS Public Hearing was held on November 17, 1981.

## 2. Description of Alternatives

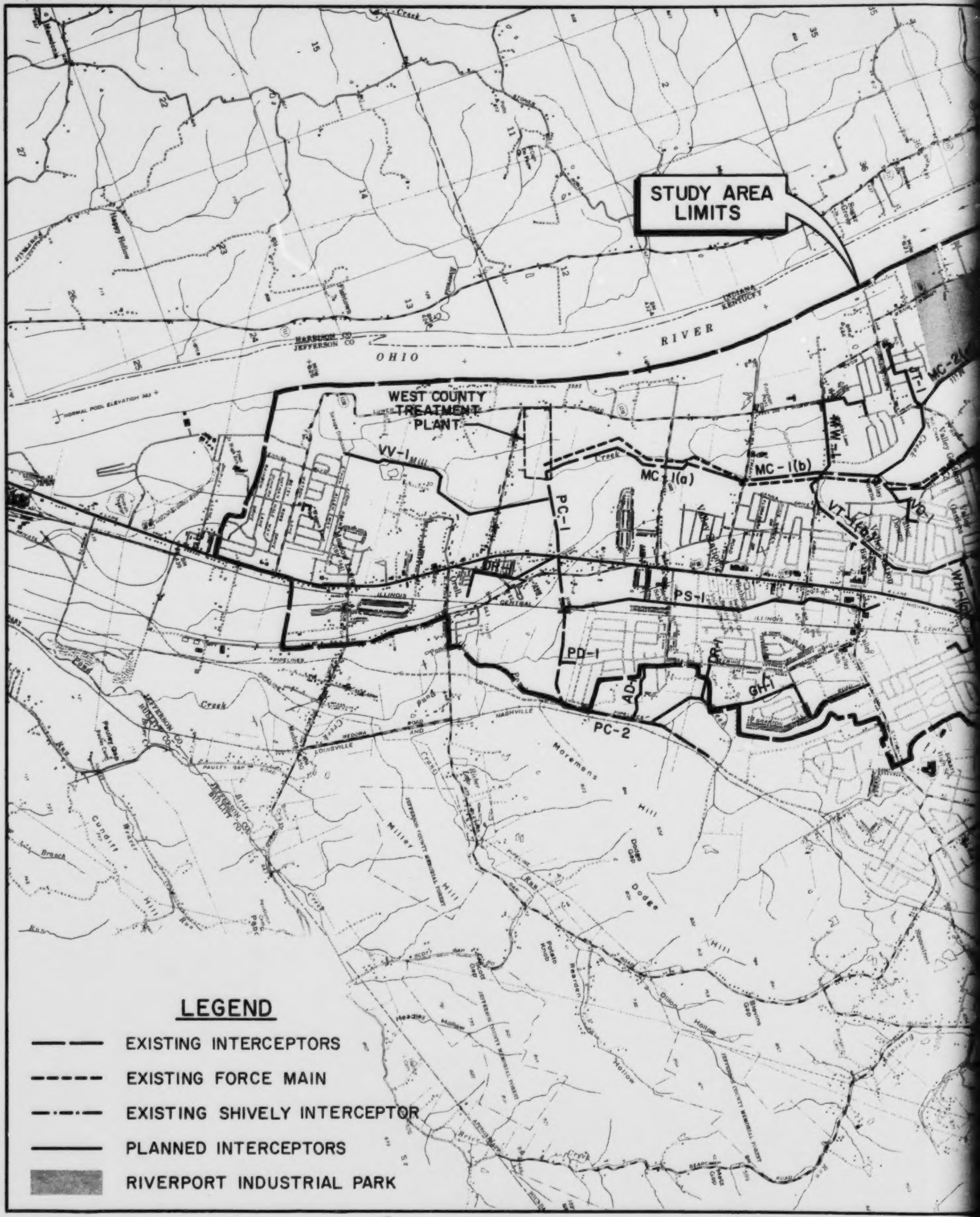
The Mill Creek area is currently served by two wastewater management systems: individual on-site systems or sewers flowing to small package plants. At this time, over 20,000 on-site systems (septic tank-seepage pits) are used throughout the study area. The sewered population is served by 26 package plants with an aggregate design flow of about 2 million gallons per day. A range of alternatives from no-federal-action to a regional system has been evaluated in the EIS. In describing these alternatives, 3 population components have been considered: (1) population presently sewered, (2) population presently served by septic tanks, and (3) future population. These alternatives have been evaluated and eight alternatives remain as reasonable alternatives. These eight alternatives are briefly summarized in Table 1. Alternative 6 is the 201 regional system (see Figure 1); alternative 9 is the no-federal-action scenario. Alternatives 2a and 2b would incorporate the same facilities now in use - the existing small treatment plants shown in Figure 2 and Table 2 and existing septic tank systems - plus future on-site systems. Alternatives 7a, 7b, and 7c involve basically the same physical features (Figure 3) sized differently according to the amount of future capacity included. Alternative 7a and 7b are sized to handle existing flows from the Dixie Highway corridor and several nearby package plants. Alternative 7c is sized as if it were the initial phase of a regional system. Alternative 8 (Figure 4) represents the first phase of the 201 regional system.

## 3. Evaluation of Alternatives

During the evaluation process of system alternatives, several elements were identified as being significant to the decision process. For the purpose of comparing alternatives and highlighting the relative strengths or weaknesses of the alternatives, the following evaluation categories have been selected for discussion: cost, public acceptance, public health, water quality and financial implementability. The evaluation of each alternative with respect to these categories (except financial implementability) is summarized in Table 3.

### 3.1 Cost

Table 3 demonstrates significant differences for the alternatives in the total present worth costs ($27 million to $90 million) and the cost to the area homeowners. For the regional system, homeowners now using on-lot systems could expect a sewer connection charge of at least $3,000 and a charge of approximately $120 per year. There would also be the additional charge of household plumbing changes necessary to tie into the system.


STUDY AREA LIMITS
WEST COUNTY TREATMENT PLANT
OHIO RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
NORMAL POOL ELEVATION 383
VV-1
MC-1(a)
MC-1(b)
MC-2
PC-1
PC-2
PS-1
PD-1
AD-1
GH-1
VT-1
VG-1
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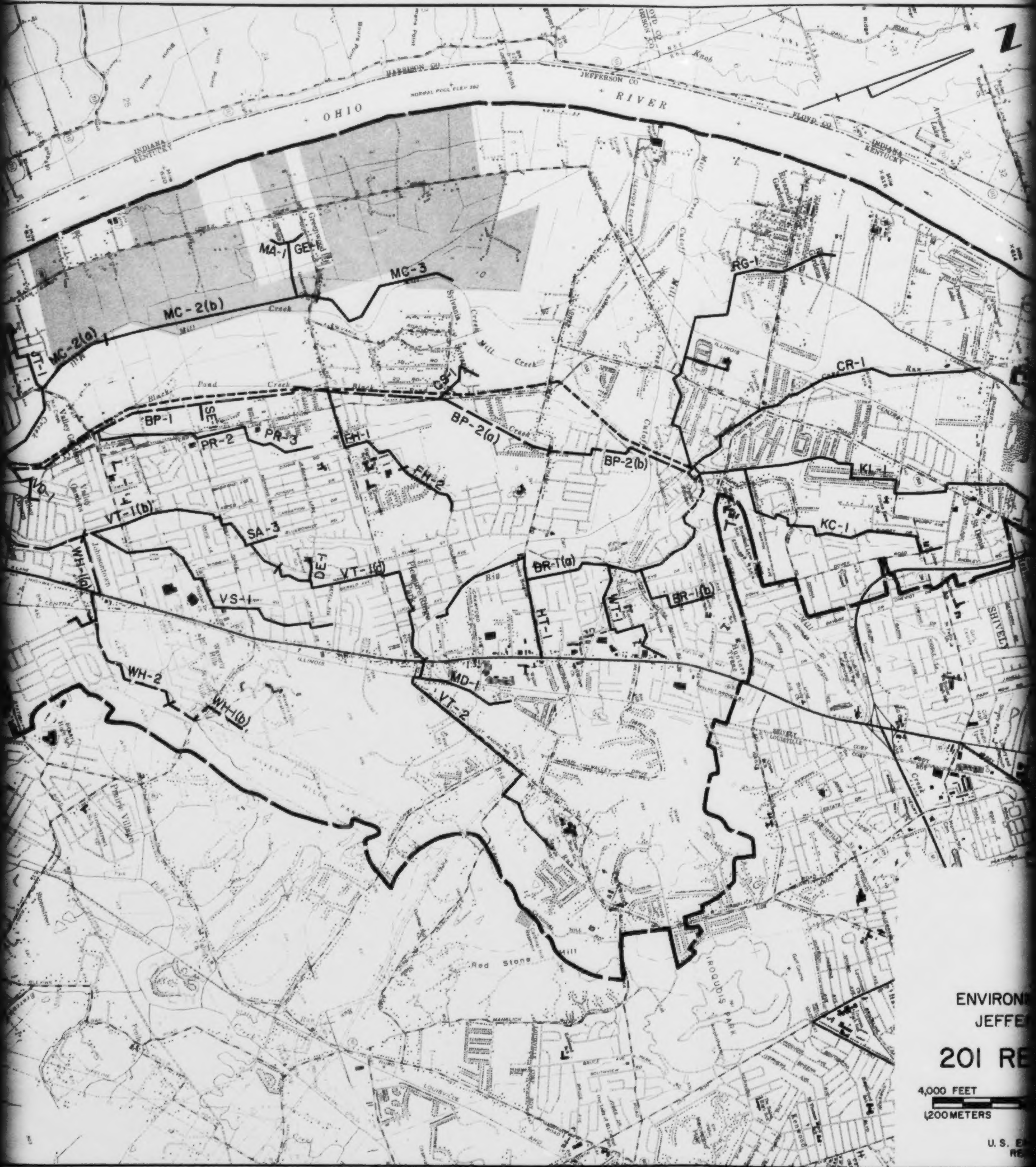
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JT-1
Mill Creek
Black Pond Creek
GS-1
RG-1
CR-1
BP-1
SE-1
PR-2
PR-3
FH-1
FH-2
BP-2(a)
BP-2(b)
KL-1
KC-1
VD-1
VT-1(b)
SA-3
DE-1
VT-1(a)
BR-1(a)
BR-1(b)
WT-1
HT-1
WH-1(a)
VS-1
WH-2
WH-1(b)
MD-1
VT-2
ILLINOIS CENTRAL
SHIVELY
Red Stone Hill
IROQUOIS PARK
ENVIRON
JEFFE
201 RE
4,000 FEET
1,200 METERS
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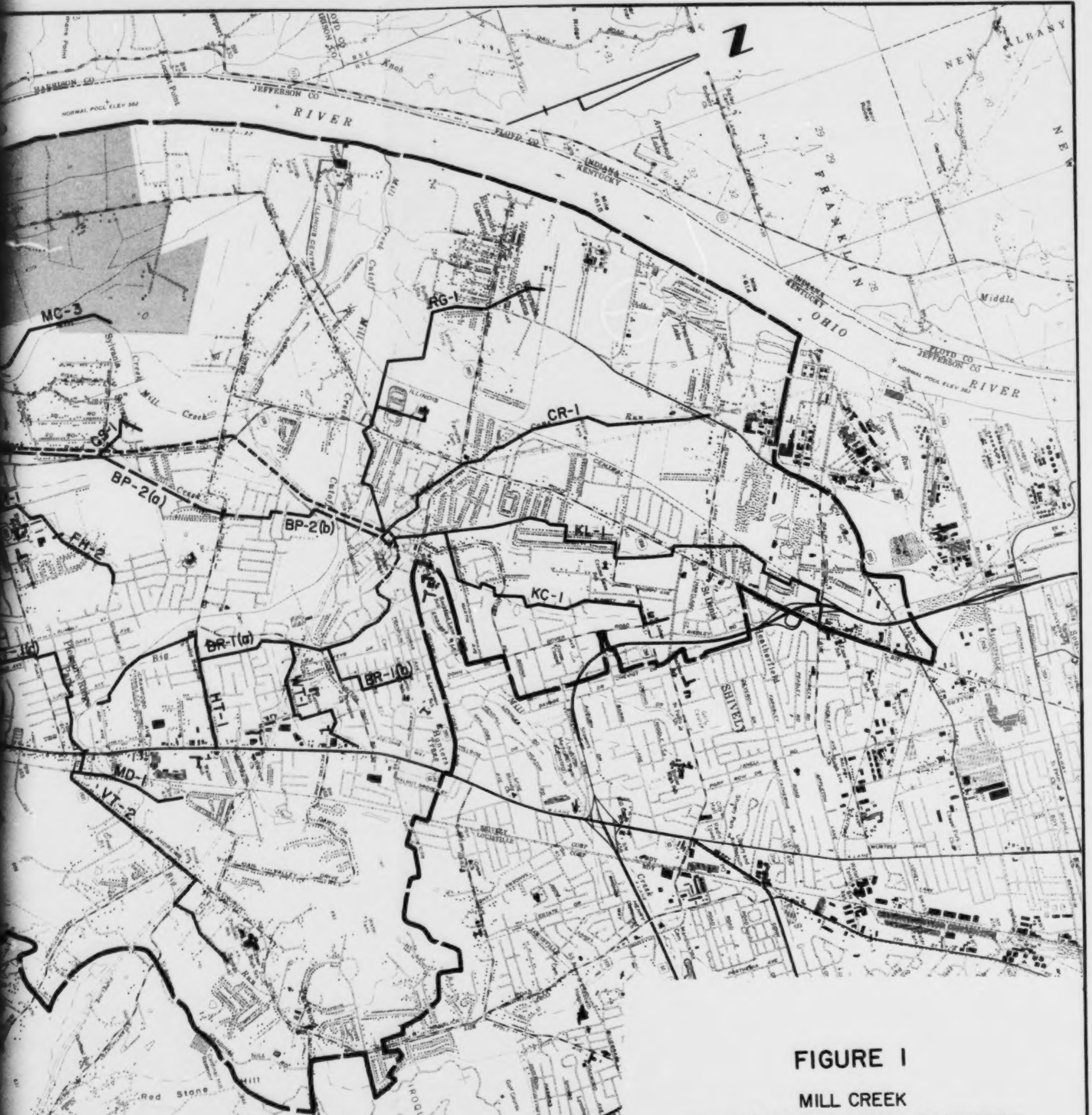


OHIO RIVER
INDIANA
KENTUCKY
FLOYD CO
JEFFERSON CO
HARRISON CO
NORMAL POOL ELEV 383
NEW ALBANY
FRANKLIN
Middle
MC-3
RG-1
CR-1
CS
BP-2(a)
BP-2(b)
KL-1
KC-1
FH-2
BR-1(a)
BR-1(b)
HT-1
MD-1
VT-2
Mill Creek
Mill Creek Cutoff
Big
SHIVELY
St. Denis
IROQUOIS PARK
Red Stone Hill
4,000 FEET
0
4,000
8,000
1,200 METERS
0
1,200
2,400

## FIGURE I

MILL CREEK
ENVIRONMENTAL IMPACT STATEMENT
JEFFERSON COUNTY, KENTUCKY

## 201 REGIONAL SYSTEM

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION IV ATLANTA, GEORGIA

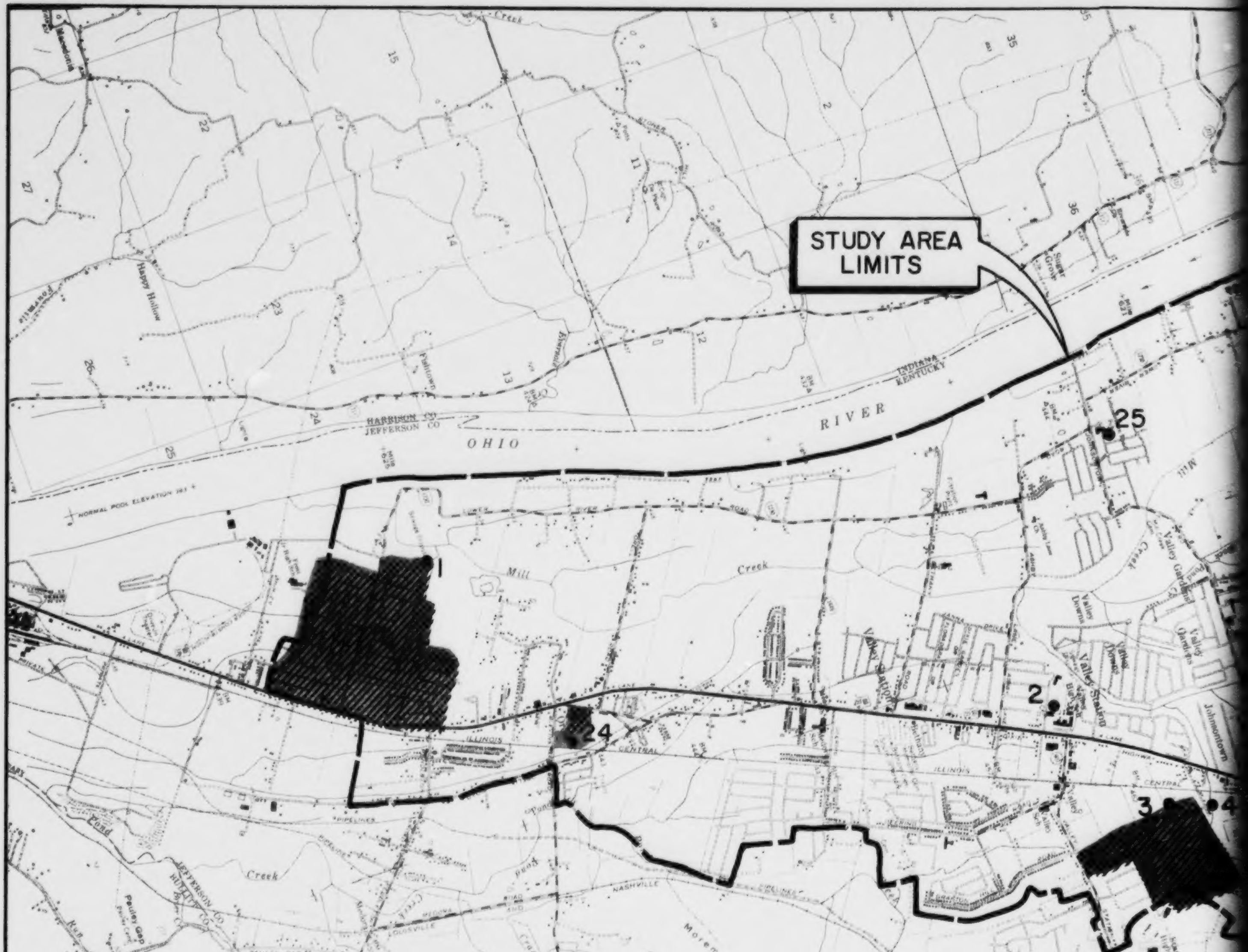
4 B C

## TABLE 1. WASTEWATER MANAGEMENT ALTERNATIVES

| Alternativ. | Population Presently Served by Small Treatment Plants (WWTPs) | Population Presently Served by Septic Tanks | Future Population |
|---|---|---|---|
| 2a | Continue use of WWTPs | Continue use of septic tanks | Use septic tanks or connect to existing interceptor system |
| 2b | Continue use of WWTPs | Connect to WWTPs those dwellings in natural drainage area; continue use of septic tanks for others | Connect to WWTPs those dwellings in natural drainage area; use septic tanks or connect to existing interceptor system for others |
| 6 | Abandon WWTPs; connect to regional conveyance and treatment system | Connect to regional conveyance and treatment system | Connect to regional conveyance and treatment system |
| 7a | Abandon some WWTPs and connect to limited regional system; continue some of other WWTPs | Connect to limited regional system the businesses along Dixie Hwy; continue use of septic tanks for others | Connect to existing or new WWTPs or connect to existing interceptor system |
| 7b | Abandon some WWTPs and connect to limited regional system; continue use of other WWTPs | Connect to limited regional system the businesses along Dixie Hwy; continue use of septic tanks for others | Use septic tanks or connect to existing interceptor system |
| 7c | Abandon some WWTPs and connect to limited regional system; continue use of other WWTPs | Connect to limited regional system the businesses along Dixie Hwy; continue use of septic tanks for others | Connect to limited regional system |
| 8 | Abandon some WWTPs and connect to first phase of 201 regional system; continue use of other WWTPs | Connect to first phase of 201 system the businesses along Dixie Hwy; continue use of septic tanks for others | Connect to 201 regional system |
| 9 | Continue use of WWTPs | Continue use of septic tanks | Connect to existing or new WWTPs or connect to existing interceptor system |

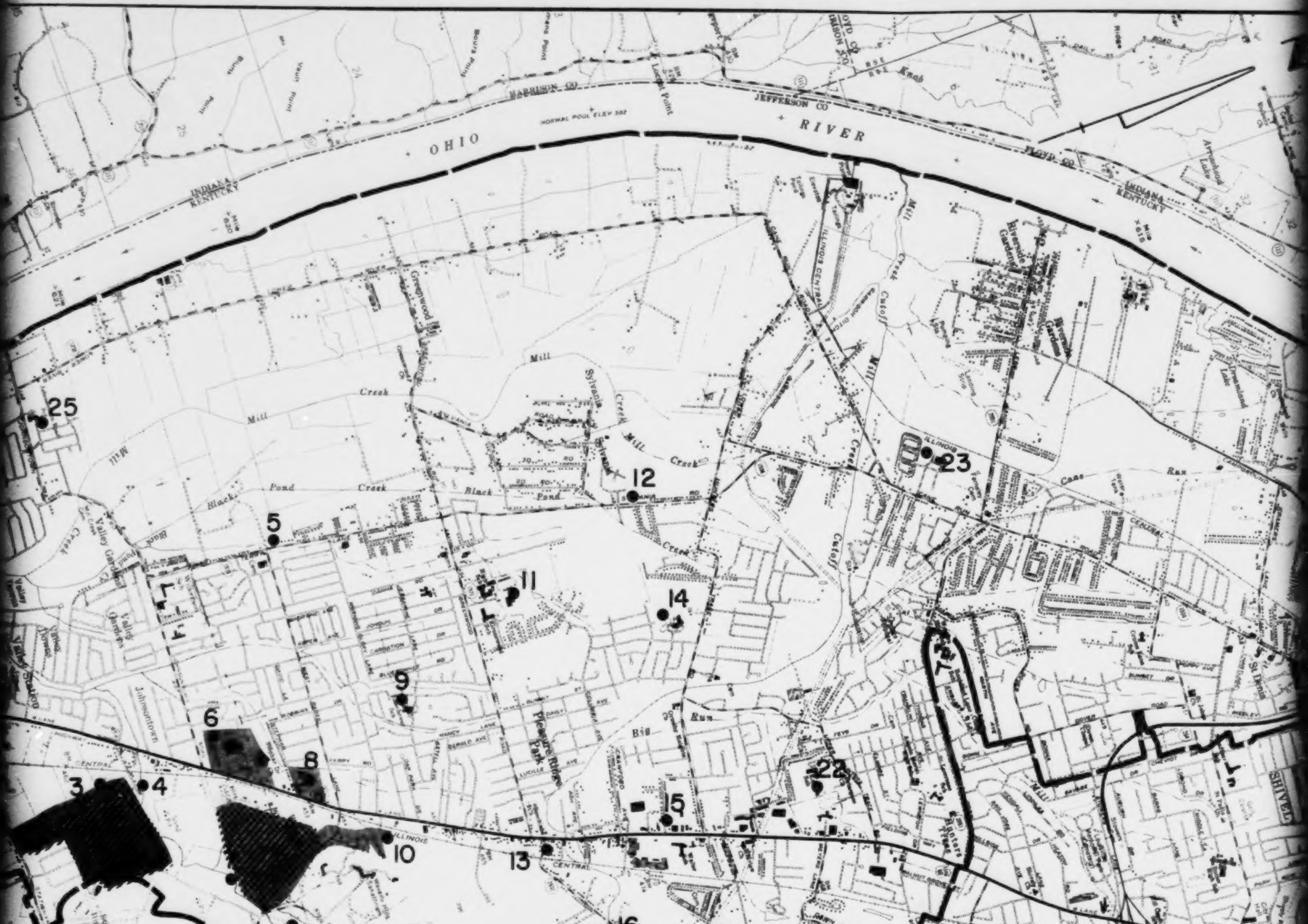
## TABLE 2. SMALL-AREA WASTEWATER TREATMENT PLANTS

1. Valley Village Subdivision
2. Valley High School
3. Villa Anna (MSD)
4. Beth Haven Baptist Church
5. Sanders Elementary School
6. Westland Mall
7. Timothy Hills Subdivision
8. Eden Apartments
9. Eisenhower Elementary School
10. Waverly Hills Apartments
11. Pleasure Ridge Park High School
12. Conway Middle School
13. S. W. Jefferson County Government Center
14. Shacklette, Wade School
15. R & W Laundromat
16. Havalock Subdivision
17. Silver Palms Swim Club
18. Cardinal Mobile Home Park
19. Fordhaven Subdivision
20. West Springfield Subdivision
21. Forest Hills Subdivision
22. Kerrick Elementary School
23. Wellington, Sara Belle School
24. River Valley Mobile Home Park
25. Johnsontown Elementary School
26. Woodhaven Medical Services


STUDY AREA LIMITS
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
OHIO
RIVER
NORMAL POOL ELEVATION 383
Happy Hollow
Sugar Grove
Mill Creek
Valley Station
Valley Gardens
Johnsontown
ILLINOIS
CENTRAL
Pond Creek
NASHVILLE
LOUISVILLE
PIPELINES
JEFFERSON CO
BULLITT CO
Pauley Gap
Moremens Hill
Dodge Gap
Dodge Hill
Miller Hill
Potato Knob
Reardon
Headley Hollow
Dillon Hollow
Samuel
Cundiff
Brush Run
1
2
3
4
24
25
LEGEND
EXPANDED SERVICE AREAS
SEWERED AREAS

A

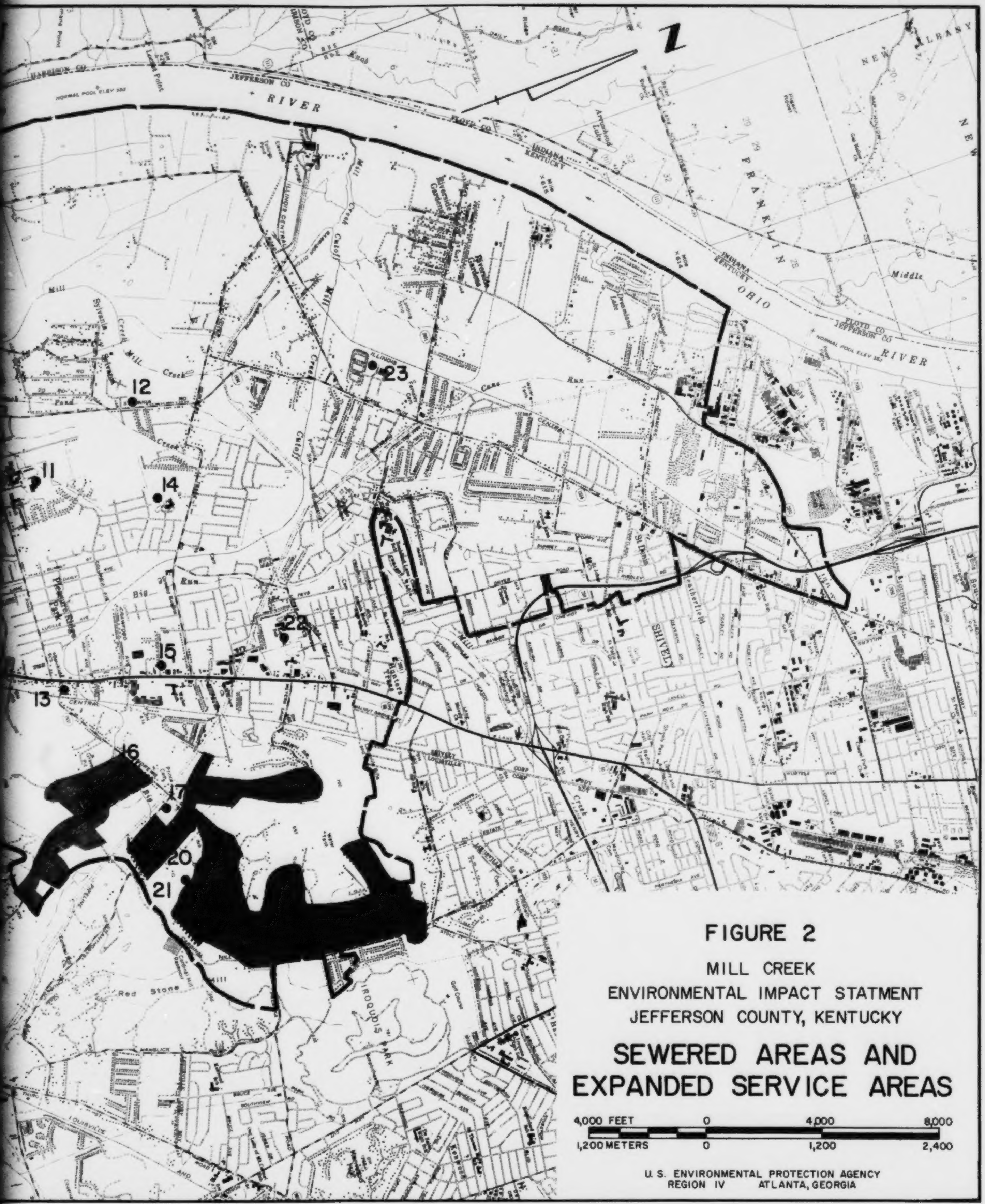
7


OHIO RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
FLOYD CO
NORMAL POOL ELEV 382
Mill Creek
Black Pond Creek
Sylvania
Greenwood
Mill Creek Cutoff
Cane Run
Big Run
Valley Station
Johnsontown
Pleasure Ridge Park
Waverly Hills Park
Prairie Village
Red Stone Hill
Iroquois Park
St Denis
Shively
Illinois Central
3
4
5
6
8
9
10
11
12
13
14
15
16
17
20
21
22
23
25
26
4,000 FEET
1,200 METERS
U.S.

ENVIRON
JEFFE

SEWE
EXPAND

B 8



RIVER
OHIO
RIVER
INDIANA
KENTUCKY
FLOYD CO
JEFFERSON CO
HARRISON CO
FRANKLIN
NEW ALBANY
Middle
NORMAL POOL ELEV 382
Mill Creek
Mill Creek Cutoff
Big Run
Pond Creek
Cane Run
SHIVELY
Pleasure Ridge Park
IROQUOIS PARK
Red Stone
11
12
13
14
15
16
17
20
21
22
23

## FIGURE 2

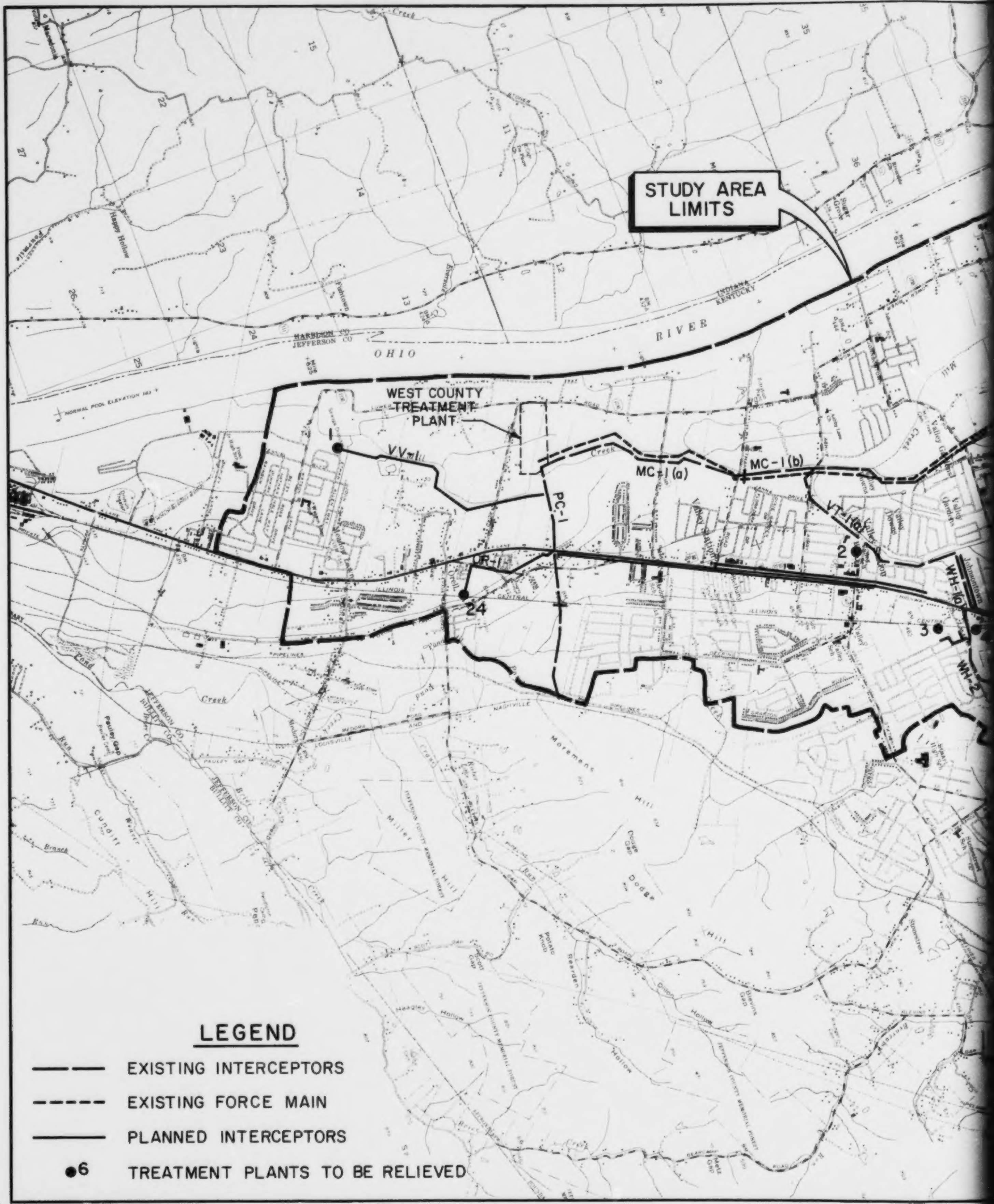
MILL CREEK
ENVIRONMENTAL IMPACT STATMENT
JEFFERSON COUNTY, KENTUCKY

## SEWERED AREAS AND EXPANDED SERVICE AREAS

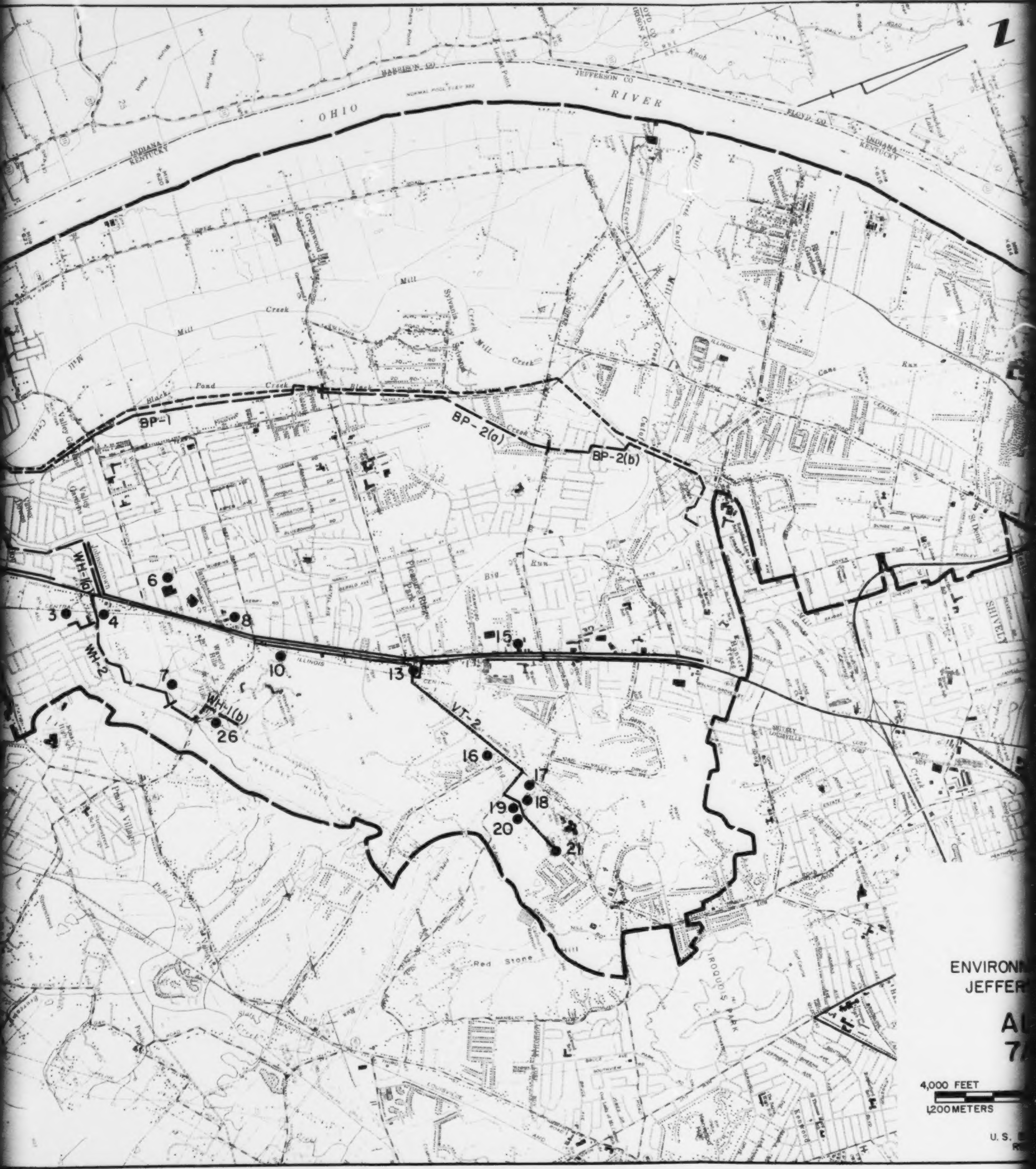
4,000 FEET 0 4,000 8,000
1,200 METERS 0 1,200 2,400

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION IV ATLANTA, GEORGIA

8 C 3


STUDY AREA LIMITS
WEST COUNTY TREATMENT PLANT
OHIO RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
NORMAL POOL ELEVATION
VV-1
PC-1
MC-1 (a)
MC-1 (b)
VT-1(b)
OR-1
WH-1(a)
WH-2
1
2
3
24
ILLINOIS
CENTRAL
PIPELINES
Creek
Pond
Happy Hollow
Moremens Hill
Dodge Gap
Dodge Hill
Hill
Hollow
Run
LEGEND
EXISTING INTERCEPTORS
EXISTING FORCE MAIN
PLANNED INTERCEPTORS
●6 TREATMENT PLANTS TO BE RELIEVED

A


OHIO RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
FLOYD CO
Mill Creek
Black Pond Creek
Valley Gardens
Sylvania
Pleasure Ridge Park
Big Run
Cane Run
St Denis
SHIVELY
ILLINOIS CENTRAL
Red Stone Hill
IROQUOIS PARK
Slate Run Creek
BP-1
BP-2(a)
BP-2(b)
WH-1(a)
WH-1(b)
WH-2
VT-2
3
4
6
7
8
10
13
15
16
17
18
19
20
21
26
ENVIRONM
JEFFER
AL
7A
4,000 FEET
1200 METERS
U. S.
R

B

10

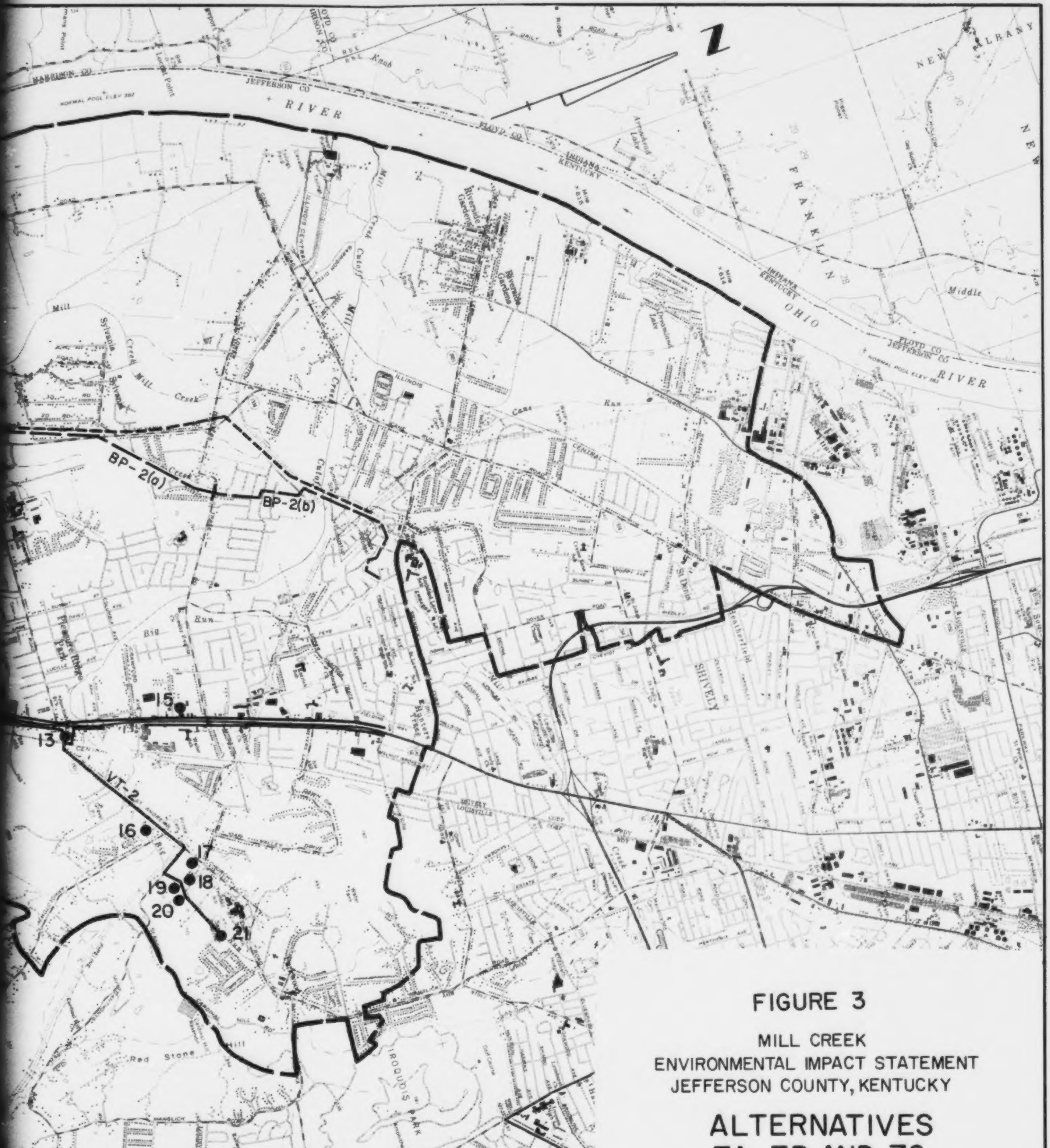

HARRISON CO
JEFFERSON CO
NORMAL POOL ELEV 382
RIVER
FLOYD CO
INDIANA
KENTUCKY
OHIO
RIVER
FLOYD CO
JEFFERSON CO
NEW ALBANY
FRANKLIN
Middle
Mill Creek
Mill Creek Cutoff
Cane Run
ILLINOIS CENTRAL
BP-2(a)
BP-2(b)
Big Run
SHIVELY
13
15
VT-2
16
17
18
19
20
21
Red Stone Hill
IROQUOIS PARK
4,000 FEET
0
4,000
8,000
1,200 METERS
0
1,200
2,400

FIGURE 3

MILL CREEK
ENVIRONMENTAL IMPACT STATEMENT
JEFFERSON COUNTY, KENTUCKY

ALTERNATIVES
7A, 7B AND 7C

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION IV ATLANTA, GEORGIA

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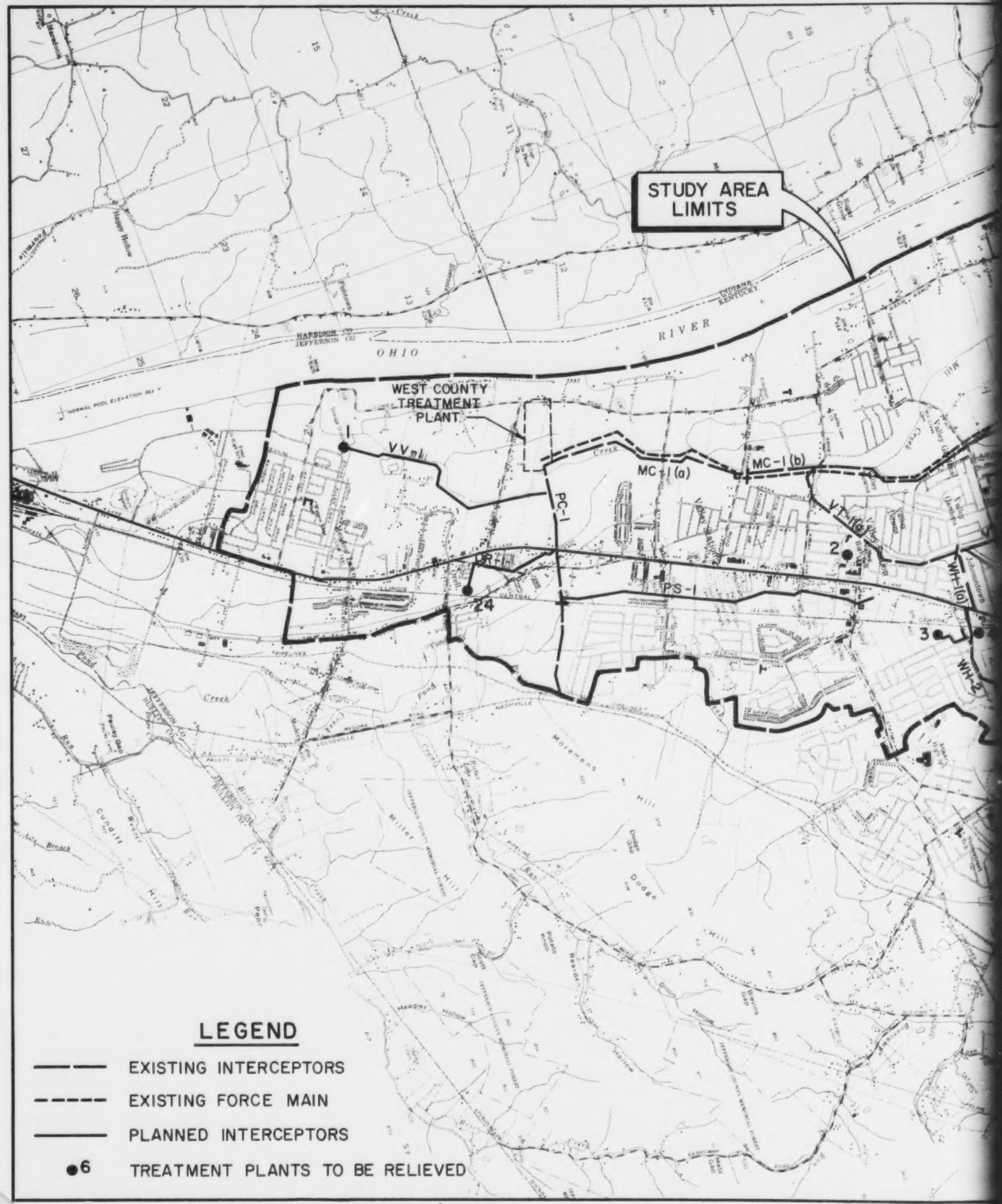
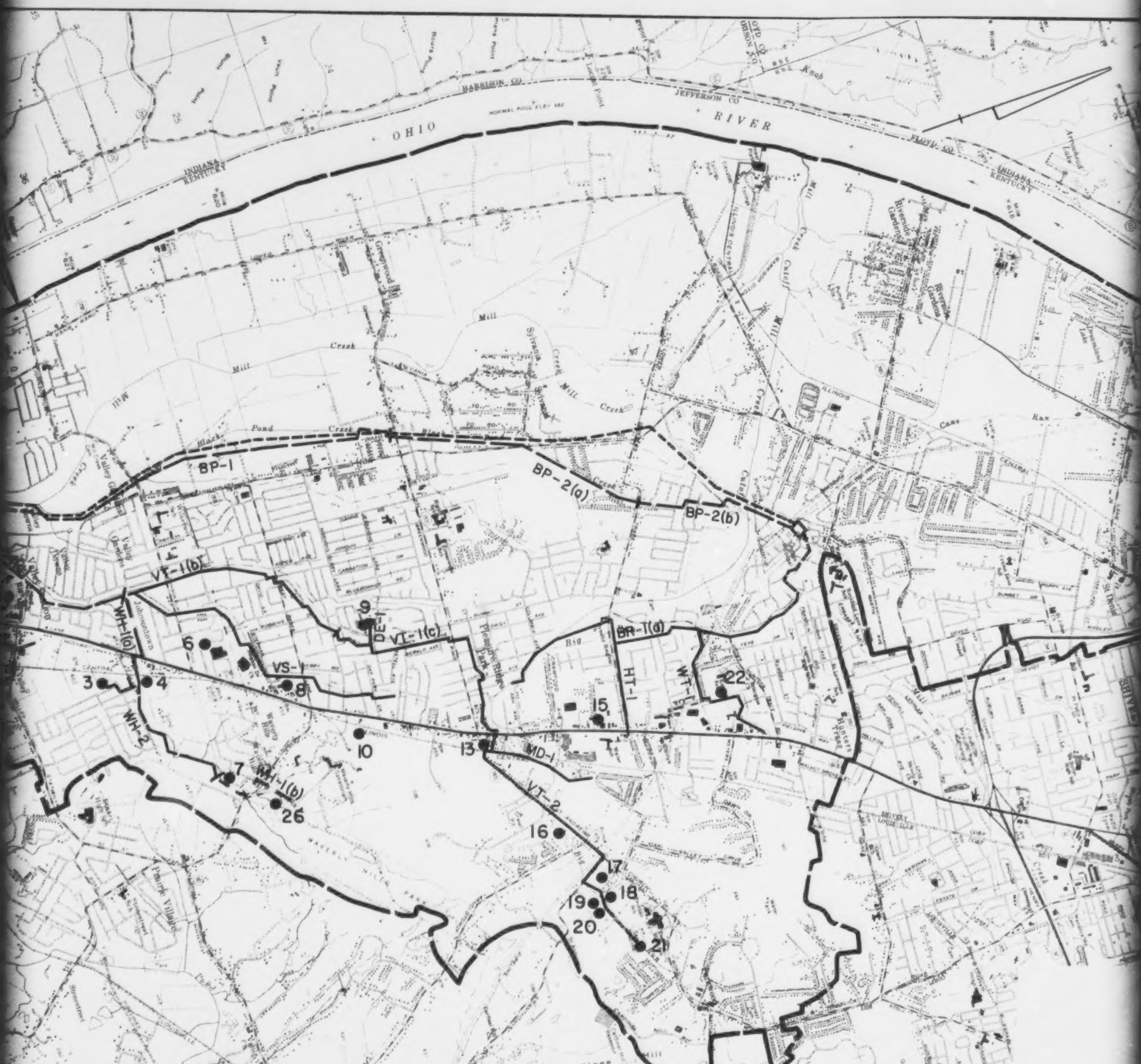
c

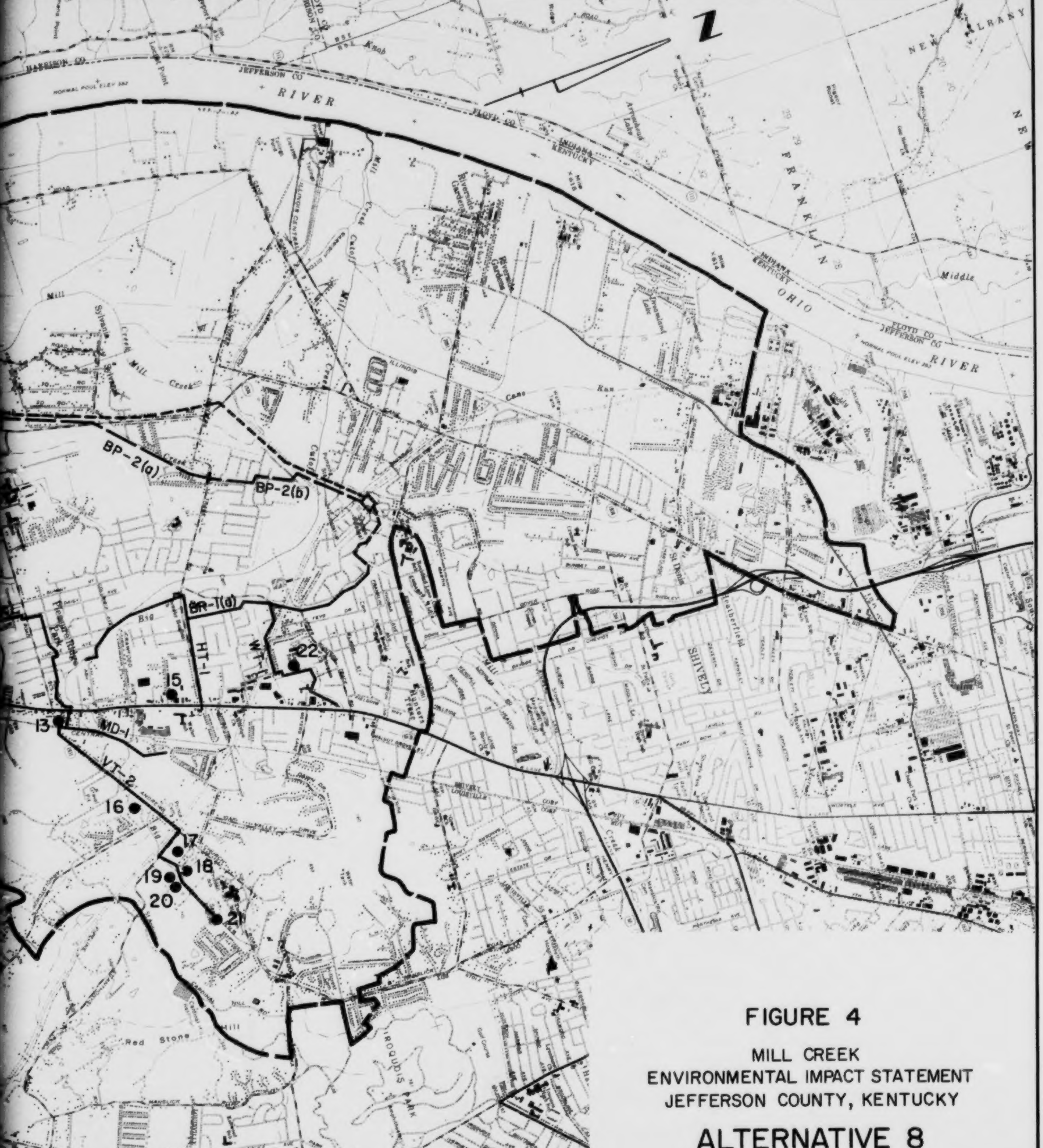

STUDY AREA LIMITS
WEST COUNTY TREATMENT PLANT
OHIO RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
NORMAL POOL ELEVATION
VV-1
MC-1 (a)
MC-1 (b)
PC-1
PS-1
VT-1(a)
WH-1(a)
WH-2
1
2
3
24
LEGEND
EXISTING INTERCEPTORS
EXISTING FORCE MAIN
PLANNED INTERCEPTORS
●6 TREATMENT PLANTS TO BE RELIEVED

A

11


OHIO
RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
FLOYD CO
NORMAL POOL ELEV 382
Mill Creek
Sylvania
Mill Creek Cutoff
Pond Creek
Black
Valley
Riverside Gardens
ILLINOIS
Cane Run
BP-1
BP-2(a)
BP-2(b)
VT-1(b)
VT-1(c)
WH-1(a)
WH-1(b)
WH-2
DE-1
VS-1
BR-1(a)
HT-1
WT-1
MD-1
VT-2
3
4
6
7
8
9
10
13
15
16
17
18
19
20
21
22
26
Pleasure Ridge Park
Big
Red Stone
IROQUOIS PARK
ENVIRO
JEFF
A
4,000 FEET
1,200 METERS
U.S.

B



OHIO RIVER
INDIANA
KENTUCKY
FLOYD CO
JEFFERSON CO
HARRISON CO
NEW ALBANY
FRANKLIN
SHIVELY
Mill Creek
Mill Creek Cutoff
Pleasure Ridge Park
IROQUOIS PARK
BP-2(a)
BP-2(b)
BR-1(d)
HT-1
WT-1
MD-1
VT-2
13
15
16
17
18
19
20
21
22
4,000 FEET
0
4,000
8,000
1,200 METERS
0
1,200
2,400

## FIGURE 4

MILL CREEK
ENVIRONMENTAL IMPACT STATEMENT
JEFFERSON COUNTY, KENTUCKY

## ALTERNATIVE 8

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION IV ATLANTA, GEORGIA

12

C

3

## TABLE 3. ALTERNATIVES EVALUATION SUMMARY

| Alternative Number | Description of Alternative | Total Present Worth ($ Millions) | Advantages | Disadvantages |
|---|---|---|---|---|
| 2a | Increased Septic Tanks & Existing Small WWTPs (Future development could connect to existing interceptor system) | 27 | 1. Low Cost<br>2. Moderate to High Public Acceptance<br>3. Minor Construction Impacts<br>4. Relatively Easy Implementation | 1. Continued Impact to Local Streams<br>2. Dixie Highway Corridor Not Relieved<br>3. Possible Land Use Effects Due to Health Dept. Regulations That Now Restrict Development on Septic Tanks to Lots Greater Than 5 acres<br>4. Possible Resistance by KY DNREP, Health Dept.,County, & MSD |
| 2b | Increased Septic Tanks & Expanded Small WWTPs (Future development could connect to existing interceptor system) | 31 | 1. Low Cost<br>2. Moderate to High Public Acceptance<br>3. Moderate Construction Impacts in Limited Areas | 1. Increased Impact to Local Streams<br>2. Dixie Hwy. Corridor Not Relieved<br>3. Possible Land Use Effects Due to Health Dept. Regulations That Now Restrict Development on Septic Tanks to Lots Greater Than 5 acres<br>4. Possible Resistance by KY DNREP, Health Dept., County, & MSD<br>5. Moderate Adverse Public Health Impacts From Surface Water Discharges |
| 6 | Regional System | 90 | 1. Removes Discharges From Local Streams<br>2. Dixie Hwy. Corridor Would Be Relieved<br>3. Allows Flexibility of Type and Density of Future Development<br>4. This Alternative is Favored by Local & State Agencies<br>5. Utilizes Interceptors Already Constructed | 1. High Cost<br>2. Low Public Acceptance<br>3. Major Construction Impacts<br>4. Adverse Economic Impacts to Area Residents |
| 7a | Limited Regional & Existing Septic Tanks & Increased Small WWTPs (Future development could connect to existing interceptor system) | 50 | 1. Moderate Cost<br>2. Moderate to High Public Acceptance<br>3. Dixie Hwy. Corridor Would Be Relieved<br>4. Could Pick Up Most If Not All Small WWTPs<br>5. Minor Construction Impacts | 1. Increased Impact to Local Streams<br>2. Possible Resistance by KY DNREP, Health Dept., County, & MSD<br>3. Moderate Adverse Public Health Impacts From Surface Water Discharges |

## TABLE 3. ALTERNATIVES EVALUATION SUMMARY (CONT'D.)

| Alternative Number | Description of Alternative | Total Present Worth ($ Millions) | Advantages | Disadvantages |
|---|---|---|---|---|
| 7b | Limited Regional & Expanded Septic Tanks & Reduced Small WWTPs (Future development could connect to existing interceptor system) | 32 | 1. Low Cost<br>2. Moderate to High Public Acceptance<br>3. Dixie Hwy. Corridor Would Be Relieved<br>4. Could Pick Up Most If Not All Small WWTPs<br>5. Minor Construction Impacts<br>6. Relatively Easy Implementation | 1. Possible Resistance by KY DNREP, Health Dept., County, & MSD<br>2. Possible Land Use Effects Due to Health Dept. Regulations That Now Restrict Development on Septic Tanks to Lots Greater Than 5 Acres |
| 7c | Limited Regional With Full Capacity & Existing Septic Tanks Until Hooked Up To Regional System | 43* | 1. Moderate Cost*<br>2. Low to Moderate Public Acceptance<br>3. Dixie Hwy. Corridor Would Be Relieved<br>4. Could Pick Up Most If Not All Small WWTPs<br>5. Relatively Easy Implementation<br>6. Allows Flexibility In Type & Density of Development | 1. Possible Resistance by KY DNREP<br>2. Does Not Directly Address Long Term Solution of Wastewater Management<br>3. First Step in the Alternative with Highest Cost and Least Public Acceptance<br>4. Adverse Future Economic Impacts to Area Residents |
| 8 | First Phase 201 Regional System & Existing Septic Tanks Until Hooked Up To Regional System | 45* | 1-6. Same as 7c<br>7. Utilizes Interceptors Already Constructed | 1-4. Same as 7c |
| 9 | No-Action (Future development could connect to existing interceptor system) | 47 | 1. Moderate Cost<br>2. Moderate to High Public Acceptance<br>3. Minor Construction Impacts | 1. Increased Impact to Local Streams<br>2. Questionable Reliability of WWTPs<br>3. Possible Resistance by KY DNREP, Health Dept., County, & MSD<br>4. Moderate Adverse Public Health Impacts |

*Represents Phase 1 Cost Only. Ultimate Cost Would Be The Same As Alternative 6.

## 3.2 Public Acceptance

Public acceptance is expected to be closely related to the cost and inconvenience associated with an alternative, with public resistance increasing with cost or inconvenience. Groups other than homeowners have not been active in registering opinions concerning the alternatives. The probable reaction of specific groups affected by each alternative may be suggested by examining the particular interests of each group. Homeowners on seepage pits have expressed strong opposition to the financial and construction impact of a regional system. They have supported the maintenance of existing, properly functioning on-lot systems. Commercial owners will likely favor alternatives removing the responsibility of wastewater disposal from them, with cost a secondary consideration. Package plant owners will consider the alternatives in two ways. First, these owners will likely favor alternatives to upgrading. Second, this favoring will be tempered by an interest in compensation for abandoning their plant. Landowners with an interest in development will likely favor alternatives that most greatly facilitates the flexibility of development type.

## 3.3 Public Health

Public health can be impacted by changes in water quality, increases in pollution levels, or creation of high risk situations. In the Mill Creek area, impacts to public health relate primarily to ground and surface water quality, existing and future uses of these resources, and potential for human contact with these waters.

The quality of area groundwater, as determined by the EIS groundwater program, was found to be influenced by existing septic tanks (nitrates and bacteria) and not suitable as an untreated drinking water source. Some isolated samples showed high nitrate levels (above 10 mg-N/L) and several showed elevated bacterial levels. Groundwater quality was found suitable, however, for development as a treated public water supply. The average nitrate levels were 1.5 mg-N/L, fully adequate for domestic water supplies.

The potential for public health impacts related to groundwater influenced by septic tanks is tempered by the limited existing and future use of groundwater. Groundwater is now used by between 300-600 study area homes (1-2% of the study area) for private water supply. The cost of connecting each house not presently served by public water has been estimated by the Louisville Water Company to vary from less than $1,000 to $14,000 (Arbuckle 1980). The average cost is expected to be approximately $2,000 with a few isolated residences requiring the higher costs. These isolated residences would also be least likely to experience adverse effects from groundwater quality due to their being more remotely located from concentrations of groundwater discharges. A total of approximately $1.2 million would be required to connect all existing area residents to public water.

The EIS has determined that the current users of groundwater should be encouraged to hook up to a public water supply as soon as possible, regardless of the selected wastewater management alternative. The removal of septic tank discharges could not occur for several years even with a determined effort and therefore the potential for contamination and public health effects remains. The urban nature of the area and the prospect of additional industrial development further diminish the usefulness of the groundwater as an untreated drinking water source in the future.

The local surface streams are characterized by very low flow and run through densely populated residential neighborhoods. The primary function of the local surface streams is storm drainage. Secondarily, they are used as receiving streams for package plant discharges and for unsupervised recreation, including some body contact recreation. Because of the proximity of surface streams to residences, the potential for human contact is almost unlimited. The removal of discharges from surface streams would result in lower risk of bacterial contamination. It should be noted that under normal conditions discharges would receive disinfection and the risk would be low.

## 3.4 Water Quality

Water quality, both ground and surface, is currently affected by wastewater disposal practices. As with public health impacts, the use of the resource is critical when considering the significance of an impact on water quality.

An impact on groundwater quality is most significant when it adversely affects an existing or potential use. The effect on existing untreated drinking water use has been discussed under public health. With regard to future use, the Louisville Water Company has indicated that there are no short or long-term plans to use the groundwater in southwest Jefferson County as a public water resource because of the urban nature of southwest Jefferson County. Therefore the potential for human contact with these groundwaters is limited. Nevertheless, existing data indicate that the groundwater of the Mill Creek aquifer could now, and even in the future with increased wastewater discharges, be used as a raw water source.

Surface water quality is also important. The potential for bacterial contamination due to body contact recreation has been discussed under public health impacts. The other major water quality consideration is meeting the water quality standards for dissolved oxygen, established to protect aquatic life. This requirement would result in the need for high levels of treatment and high costs for discharges to the small streams. The lower level of treatment and costs for a regional system and discharge to the Ohio River must be compared with the costs of transporting these wastes to a central treatment plant and/or the river.

## 3.5 Financial Implementability

The impact of the EIS alternatives on MSD's ability to implement an overall wastewater management system and on MSD customers was evaluated in the EIS Financial Impact Analysis (FIA). The FIA was prepared to address the specific concern that since the 201 Plan, as originally developed, was a viable, on-going system that could be maintained and operated from customer revenues, a system that did not include the Mill Creek residential base was of questionable viability.

Detailed cash flow projections were made for six scenarios involving four EIS alternatives: the regional alternative (#6), two limited action alternatives (#7b and 7c), and the no-federal-action alternative (#9).

In general, the FIA shows that the particular arrangement of projects within an expansion area appears to have little or no discernable impact on service charges on MSD customers. Additionally, developing public sewerage facilities of varying scope in the Mill Creek area does not have appreciable impact on MSD system service charges. Despite the broad differences in Mill Creek area activities for alternatives 6, 7b, 7c, and 9, the estimated annual MSD service charges are virtually the same.

Although bonding requirements vary somewhat among the scenarios, the total revenue needs do not differ markedly among the scenarios. It should be noted that through the planning period, each scenario involves essentially continuous construction activity at the level deemed reasonable by MSD. Thus, the impact on the MSD system of sewering or not sewering the Mill Creek area is imperceptible despite the relatively large capital cost associated with such construction.

### 4. EIS Selected Alternative

The previously discussed costs, public acceptance, public health, and water quality implications of the alternatives have been recognized as central elements in the decision making process. These evaluations lead to the conclusion that a regional system as proposed in the original 201 facility plan is not required to solve the water quality and public health problems in the Mill Creek area. Alternative 7b has been selected as the most cost-effective, environmentally sound alternative.

The critical water quality problems in this area have been found to be caused by the discharge of inadequately treated wastewater by small package plants into local streams and the inability of on-site systems to adequately serve the commercial establishments along the Dixie Highway strip. Although the unsewered residential community does influence the quality of the groundwater, there does not appear to be significant deterioration of groundwater quality. Therefore, there is not a high priority need to sewer this portion of the community. The potential for public health impacts is tempered by limited existing use of the groundwater for private water supply and by the fact that the Louisville Water Company has indicated that because of hardness and iron, the urban nature of the area, and the influence of land use activities on water quality, no plans exist to use the Mill Creek aquifer as a future public water source.

In terms of cost, the present worth value of the regional sewer system (#6) is roughly $90 million as compared to about $30 million for a limited action system with expanded septic tank use and some connections to the existing interceptor system for future population (#7b). From the standpoint of the unsewered homeowner, the cost of the regional system translates to an initial assessment of at least $3,000 and a monthly bill of about $10. The cost to the homeowner for the limited action system would be similar to that which is now paid, very minimal. The recommended action involves a balance between the limited expenditure of large amounts of public and private funds and the limited impact of continued or future septic tank use on groundwater uses.

The critical issue in the EIS decision involves this evaluation of cost vs. desired future use of the Mill Creek aquifer. Although the Louisville Water Company has expressed no interest in developing the southwest aquifer for public water supply, the State and Federal governments have set goals of protecting groundwaters for public water supply wherever possible. The EIS Groundwater Program indicated that existing on-site systems are influencing groundwater quality and that the water is not suitable as an untreated drinking water source. With the application of conventional disinfection, however, these groundwaters would be suitable for consumption. Additionally, the average nitrate levels in the Mill Creek aquifer were found to be 1.5 mg-N/L. This level is fully adequate for public water supplies. Therefore, continued or increased use of septic tanks is not considered to be inconsistent with State and National goals of preserving groundwaters for public water supply use.

It is EPA's decision to pursue a course of action that involves correcting existing problems while taking no action on the on-site systems of the residential community because of limited demonstrated need. Therefore, alternative 7b has been selected as the Final EIS proposed action (see Figure 3). This alternative proposes a limited sewering action that would service the Dixie Highway Corridor and at least eighteen of twenty-six small package plants, while leaving the residential community on septic tanks. The remaining eight small plants would be required to upgrade to meet water quality standards or construct a small force main to convey existing flows to the existing interceptor system.

Regarding the public health concern associated with groundwater quality, measures to mitigate a potential impact are available and are recommended to be considered locally. Because of the questionable suitability of the aquifer as an untreated drinking water source, EPA encourages local agencies to extend public water service to those Mill Creek residences not now served.

In the cases where service cannot be extended, a groundwater quality monitoring program could include special emphasis on monitoring areas that would rely on groundwater for private water supply. Under any circumstance, private water supply users should be encouraged to disinfect area groundwater prior to consumption. Those residences for which public water connection costs are highest are likely to be the residences that are most remote from wastewater discharges. This factor minimizes the liklihood of a significant impact.

It should be noted that EPA supports the existing septic tank regulations and proposed regional system in the Pond Creek drainage area. The North Jefferson County study area is the subject of an ongoing EIS and decisions in North County will be made within the framework of that study. The Mill Creek Area EIS decision should therefore be viewed as a decision that is specific to the Mill Creek EIS study area and the special circumstances of this area with no implications in other parts of Jefferson County.

## 5. Basis For the Decision

1. Existing groundwater quality is suitable for development as a treated drinking water source
2. Existing groundwater quality is generally not suitable as an untreated drinking water source
3. Residential on-lot systems in the Mill Creek area are functional and do not constitute a public health hazard through body contact
4. There are no plans to use the Mill Creek area groundwater as a public water source
5. Public water from the Louisville Water Company is available in close proximity to almost all Mill Creek area residents now drinking untreated groundwater
6. The construction impacts of 7b are significantly less than those associated with a regional system
7. A limited regional system (7b) provides service to the major wastewater management problem areas (Dixie Highway Corridor and small package plants)
8. The costs of 7b are significantly lower than those of a regional system:

| | Regional System | 7b | Difference |
|---|---|---|---|
| Capital Cost | $154 million | $50 million | $104 million |
| Present Worth | 90 million | 32 million | 58 million |

## 6. Riverport

The Riverport Industrial Park and Foreign Trade Zone is located along the Ohio River in the Mill Creek Area and occupies over 1,600 acres of river front land (see Figure 1). Riverport is currently developing the industrial park, and, only a small amount of non-industrial wastewater is now being generated.

With regard to wastewater management, there are three general alternatives for management of industrial wastewaters from the Riverport complex.

Wastewaters may be pretreated, if necessary, and:

1. collected and conveyed to the proposed MSD interceptor sewer system;
2. collected and treated at a central Riverport facility; or

3. handled and disposed of by each industry.

Since it is not yet known what type or how many industries will be developed at Riverport, the evaluation of Option 3 is not possible at this time.

The major differences between the remaining options are summarized below:

| | Connect to MSD | Riverport Facility |
|---|---|---|
| Present Worth | $9,200,000 | $13,000,000 |
| Technical Feasibility | (1) Potential Exists for industrial wastes to upset MSD system<br>(2) Industries shift NPDES responsibility to MSD | (1) NEPA Compliance may be required for each new source industry<br>(2) Complex permitting could prolong development of Riverport. |
| Environmental Impact | (1) Riverport located on environmentally significant agricultural lands<br>(2) Undeveloped lands proximal to Riverport that could be impacted by development are environmentally significant agricultural lands | |
| Eligibility | Per 40 CFR 35.925-15, costs of interceptors constructed exclusively or almost exclusively to serve industrial users are not eligible for funding | |

EPA's participation in funding facilities to serve Riverport are clearly determined by EPA regulations and policy.

40 CFR 35.925-15 states that facilities constructed exclusively or almost exclusively to serve industry are not eligible for EPA funding. The interceptor line that is proposed to serve Riverport is almost exclusively to be used to handle industrial flow from Riverport and is, therefore, not grant-eligible per EPA regulations.

EPA's Policy to Protect Environmentally Significant Agricultural Lands states that EPA should avoid actions that would cause or facilitate the irreversible conversion of significant agricultural land to uses which would result in its loss as an environmental or essential food production resource. In this regard, approximately 1,600 acres of environmentally significant agricultural lands are located within the boundaries of Riverport. An additional 500 acres lie east of Riverport between Mill Creek and Black Pond Creek. The proposed interceptor is not needed to serve existing residences or eliminate existing discharges but primarily to serve future industrial users.

Based on EPA's regulations addressing the eligibility of facilities serving industry and EPA's Policy to Protect Environmentally Significant Agricultural Lands, it is proposed that EPA not support the extension of service to the Riverport Industrial Park through Federal construction grant funding.

## 7. Recommendations

### 7.1 Construction Grant Priorities

It is important to note that the selected action for the Mill Creek area must be assigned a priority for implementation in the context of the needs of the entire portion of Jefferson County. The appropriate forum for assignment of priority is through a local evaluation process combined with consideration (for these portions of projects which are either EPA grant eligible or are dependent on EPA eligible projects) of Kentucky's assignment of priority and resulting expected fundability. This process should reestablish the extent and focus of the County sewer expansion program by setting priorities for program segments clearly based on environmental and public health needs in light of the latest cost and environmental information, as well as the availability and timing of funding. For example, there would be little point in setting a high local priority for projects that the state priority list showed for either low or no priority.

This procedure should be directed toward establishing priority for Jefferson County program segments to include, but not limited to:

1. The Mill Creek proposed action,
2. Pond Creek sewering,
3. The West County treatment plant,
4. Morris Forman diversions,
5. County-wide sludge management,
6. North County EIS proposed action, and
7. Floyds Fork wastewater management.

In placing the Mill Creek area EIS selected alternative in perspective with Jefferson County's other wastewater management problems, it becomes clear that other projects such as the West County - Pond Creek System, the North County project, and Morris Forman system improvements should proceed as rapidly as possible. The correction of existing surface water discharge problems and problems associated with the use of on-lot systems by commercial establishments along Dixie Highway are also high priority.

## 7.2 Well-Water Use

Most of Jefferson County's water supply needs are met by the Louisville Water Company (LWC). At present, the Ohio River is the sole source of raw water for the LWC. Most of the Mill Creek EIS study area is served by the LWC. Currently, no water utility uses the area groundwater for public water supply. However, certain study area households depend upon groundwater for domestic use due to the absence of nearby water mains. Apparently, between 300-600 residences (1-2% of the study area) may depend upon private water wells for water supply.

The EIS groundwater program involved an evaluation of area groundwater quality and concluded that because of some nitrate and bacteria levels, area groundwater was not suitable as an untreated drinking water source. It is expected that these conditions would persist for several years, regardless of which alternative is selected, due to the time necessary to construct facilities.

Because of the existing questionable suitability of the aquifer as an untreated drinking water source, EPA encourages local agencies to extend public water service to those Mill Creek residences not now served. In the cases where service can not be extended, a groundwater quality monitoring program could include special emphasis on monitoring areas that would rely on groundwater for private water supply. Under any circumstance, private water supply users should be encouraged to disinfect area groundwater prior to consumption; families with infants should contact the Health Department to determine if nitrates are a concern in their water.

# CHAPTER 1

## Southwest Jefferson residents to get their say on sewers

By BOB DEITEL
Louisville Times Staff Writer

If you live in southwest Jefferson ounty, you may want to circle Nov. 16 your calendar. Then make a note to eck again in about two years.

By that time, you may know the swer to a controversial question: oes southwest Jefferson County need wers or are there better alternatives? An elaborate study, to be conducted the U.S. Environmental Protection ency, is just starting to look into the atter, and is expected to continue ing so into 1980.

But in the end, Nov. 16, 1978, may rn out to have been the most impor- it day of the study — at least as far local residents are concerned.

On that day there will be a forum to plain how the study will be conducted d how residents can influence its dings.

The workshop will begin at 7:30 p.m. the television room at Pleasure Ridge Park High School, 8801 Greenwood Road.

Basically, the study will look into how homes and businesses in that part of the county get rid of liquid wastes and what happens to the environment in the process.

Then comes the tough question: What is the best way?

Sewers already have been proposed for the area. In 1975 a plan was adopted to extend sewers throughout the county. Before it got far, the plan encountered stiff opposition, especially in the southwest.

### Study decided upon

So the EPA, which is to supply about 75 percent of the money for the sewer expansion, halted work in southwest Jefferson County. The agency decided

See SOUTHWEST
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Continued from Page One

that the study first was needed to see whether sewers were the best idea.

Community involvement in the study will be "very important," according to Ron Mikulak, an official of the EPA office in Atlanta. "That's what started this in the first place.

"Now's the time for people to voice an interest, to be counted, as it were," said Mikulak, who is heading the study. "It doesn't help anyone to wait through two or 2½ years of study and then to step in and say, 'Hey, you never asked for my opinion.'"

The study covers an area known as the Mill Creek basin, roughly west of Dixie Highway and south of Shively to Valley Village.

It will examine existing conditions, including the waste-disposal systems already in use; alternative waste-disposal methods; a proposal to use one of the alternatives or possibly make no major changes; what will happen when the final choice is made; and how to make any change as painless as possible.

Before it is finished, the study will have accumulated hours of testimony from residents and experts, results of many scientific tests and hundreds of pages of findings and conclusions, all at an estimated cost of $450,000.

How can an average person best have a say in all this?

A citizens' review committee is going to be set up early, possibly soon after the Nov. 16 workshop. EPA already has mailed about 900 fliers to area residents, asking them to sign up for some role in the study.

Then, every time a part of the study is completed or a report is issued, the committee will look at the findings, Mikulak said.

EPA isn't sure how many people will be on the committee.

"That will be based on responses from the fliers and the workshop," Mikulak said. "I hope the people we select will be representative of larger interests. We'd like to reach a broad group."

There also will be a technical-review committee made up of representatives of groups such as the U.S. Geological Survey, the city-county Health Department, Metropolitan Sewer District, my Corps of Engineers, the state rtment for Natural Resources and onmental Protection and the Uni- Louisville.

The tests are to see whether drinking water is being contaminated by industrial or residential waste-disposal systems, such as septic tanks. Up to a year may be needed for that part of the study, Mikulak said.

Local residents' cooperation also is needed for this part of the study, he said. EPA soon will ask about 250 southwest property owners with private wells for a water sample.

"Hopefully, we'll get a lot of help on that. It's pretty much of a public-health effort," Mikulak said.

While the water study is going on, there may seem to be a lull in activity, he warned. It might be difficult for some people to stay interested at those times, "but they must," Mikulak said.

He conceded that EPA may be trying a little harder than usual to make sure the study is thorough.

A typical environmental study costs about $200,000. This one probably will cost more than twice that amount, mostly because drinking-water tests will be very "extensive and expensive," Mikulak said.

"We're going a little farther, too, on public participation," he said.

Early this year a southwest Jefferson County group, the Homeowners Association, filed suit against EPA and MSD, claiming that a study of the entire sewer project was needed before the work could begin legally.

That is about when EPA decided to make the southwest Jefferson study. The Homeowners Association still is pressing the suit, however, because EPA is allowing sewer expansion in other parts of the county without making such a study.

Mikulak said there is good reason for southwest Jefferson residents to be interested in the study. The conclusion probably will affect their lives and their pocketbooks.

According to the 1975 expansion plans and figures, more than 200 miles of sewer lines would be needed to bring sewers to homes and businesses in the southwest part of the county. The cost would be more than $100 million.

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*EPA, Corps of Engineers disagree*

## Environmental study for sewers causes dispute

By BOB DEITEL
Louisville Times Staff Writer

The Army Corps of Engineers says the Environmental Protection Agency is making a mistake.

sion to make only a partial environmental study of Jefferson County's sewer-expansion program.

That decision, the wrong.

The EPA had said in May that it would make a full environmental study only on an area extending roughly west

"We've spent a lot of time and a lot of effort with our approach to water quality issues in the Louisville area,"

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## Citizens' group questions EPA on sewer plan

The Homeowners Association, a southwestern Jefferson County citizens' group involved in a court battle against countywide sewer expansion, has submitted 38 questions about the project to the U.S. Environmental Protection Agency.

EPA has 30 days to respond, and its answers will become part of the court record.

The group asks for a complete description of the proposed sewer project. It also asks whether alternatives to sewers were considered, and why EPA decided the project could proceed immediately in some areas of the county but not in others.

Some questions also refer to a sewage-treatment plant to be built in far southwestern Jefferson County. The Homeowners Association asks whether the new plant's design will be changed from that of the Morris Forman Wastewater Treatment Plant, which has had numerous mechanical and operational problems.

The Homeowners Association's attorney, Oscar H. Geralds Jr., said the questions reflect the group's argument that a complete environmental review is needed for every area of the county slated for sewers and for building the new sewer plant.

The group filed suit in U.S. District Court in January against both the EPA and the Metropolitan Sewer District, seeking a complete environmental study of the project.

Since then, EPA has decided to make an environmental study only in the area roughly west of Dixie Highway and south of Shively to Valley Station. Sewer installation in the rest of the county, including the Fairdale and Okolona areas, could continue, EPA ruled.

Last month EPA and MSD asked the court to dismiss the case or decide it immediately in their favor.

If an environmental study has to be made, it could delay the sewer project 1½ to two years. The study of the area west of Dixie Highway is expected to take 2½ years because it includes a

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## MSD decides to proceed with sewer expansion

### EPA says it's sticking to decision to require only partial study

By BOB DEITEL
Louisville Times Staff Writer

The Environmental Protection Agency says it is going to stand by its decision to require only a partial environmental study of Jefferson County's sewer-expansion project.

Because of that assurance, the Metropolitan Sewer District Board decided yesterday to resume work immediately on sewer construction for the Okolona and Fairdale areas.

MSD had temporarily halted work on its countywide expansion project two months ago, when it was uncertain whether EPA would require an environmental-impact study of the entire project.

The study was expected to delay the project for several years. EPA still will require it for the area west of Dixie Highway from Shively to Valley Station, where opposition to the sewers is strongest.

Among other concerns, the MSD board worried earlier that EPA's decision not to include the entire county in the environmental study might be challenged in court.

John Tierney, MSD spokesman, said today that MSD received a letter from EPA that said the federal agency would defend its decision in court, if necessary.

Plans for the sewer expansion also call for construction of a new treatment plant at Lower River Road and Orell Road. The plant, which would have a capacity to treat about 45 million gallons of sewage daily, will take about Fairdale will take about three years, he said.

Before MSD proceeded with the work, Tierney said, it wanted assurance from EPA that it would be allowed to hook Okolona and Fairdale sewers up to the Morris Forman Waste Water Treatment Plant until the new plant is finished.

EPA told MSD that if the Forman plant is working and can handle the additional load, it will approve the hookup.

The Forman plant has had numerous problems in the last year. MSD and EPA have agreed, however, that the plant could be fixed within three years. That would be about the same time sewers would arrive in the Fairdale and Okolona areas.

Tierney said MSD now is satisfied that unless further problems arise, work on the expansion should resume.

And he said EPA agrees. "EPA is pressing very hard to get on with the design and construction of the new plant," he said.

Meanwhile, Eugene Nicholas, manager of the Okolona Sewer District, said he is skeptical of promises that MSD will build sewers in the Okolona area within three years.

The Okolona Sewer Construction District, which already serves about 5,000 homes, has been trying for six years to expand its lines to about 1,800 more homes in neighborhoods where the city-county Board of Health says there are hundreds of failing septic tanks.

Okolona can't expand its sewer sys-

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## Homeowners express skepticism

By BOB DEITEL
Louisville Times Staff Writer.

If one word had to describe the mood last night at a community forum on the sewer-expansion controversy in southwest Jefferson County, a good choice might be "skeptical."

"Isn't it true that these sewers are already being put in?" one man demanded to know.

Another resident was just as suspicious. "What we say and do in all these meetings is to no avail. Sewers are gonna come anyway," he charged.

One woman spoke for five minutes or more, saying she would never allow sewers on her property.

"I'm not paying anything. I'm not signing anything. I'll keep my septic tank as long as I live," she said. The crowd applauded.

Of the 200 or so people there, only a handful stepped up to the microphone to speak their minds. But many of the others made their feelings known in other ways. Applause, cheers, remarks and frequent nods of approval accompanied the comments made by others.

The discussion took place at Pleasure Ridge Park High School and was sponsored by the Environmental Protection Agency as the beginning of a long study on the sewer question.

In the end, probably 2½ years away, the study will determine whether southwest Jefferson County will get sewers or whether better alternatives are available.

For most of the three-hour session last night, the agency talked to the people.

EPA staff members from the regional office in Atlanta explained how the study will be made. They showed an hour-long videotape telling how the sewer controversy began and what is being done about it now.

People were reminded that a countywide sewer expansion plan was developed by local agencies in 1974 but became bogged down by public opposition, especially in the southwest.

Sewer expansion has resumed in other areas, but in the southwest — roughly west of Dixie Highway and south of Shively to Valley Station — it has been held up by the EPA until the study is made. EPA supplies 75 percent of the money needed for such sewer projects.

The people last night also heard taped comments by spokesmen from the Metropolitan Sewer District; the Homeowners Association, a southwest Jefferson County citizens' group that has sued both the EPA and MSD to stop

# 1. INTRODUCTION

The 1974 Water Quality Management Plan (201 Plan) for metropolitan Louisville recommended that the Mill Creek area in southwestern Jefferson County be served by a regional sewerage system. The system would relieve all existing septic tank-seepage pit systems and small-area wastewater treatment plants.

In March 1977 the Southwest Jefferson County Homeowners Association wrote to the President's Council on Environmental Quality and EPA requesting an EIS on the 201 Study and in September 1977, EPA issued the Notice of Intent to prepare the Mill Creek Area EIS. The Notice of Intent indicated that the EIS would focus on specific controversial portions of the plan in the West County service area of Jefferson County, allowing other necessary and non-controversial portions of the plan to be implemented. The Notice indicated that during the course of implementing the 201 plan, controversy developed over the need for the sewer expansion in some residential areas currently served by individual on-lot disposal systems and over the provision of sewer service to the proposed Riverport Industrial Park.

Subsequent to the issuance of this Notice to prepare an EIS, EPA received requests to expand the scope of the EIS. Notable among these requests was concern expressed by the Metropolitan Sewer District (MSD) and the Southwest Jefferson County Homeowners Association.

In November of 1977 EPA agreed to examine the requests to expand the EIS to cover the entire Jefferson County portion of the Water Quality Management Plan. To ensure that the public was aware of the discussions relative to scope and coverage of the EIS, EPA scheduled a public meeting for January 26, 1978. This meeting was to also serve the purpose of receiving input from the public and local agencies for consideration in defining the proper scope of the EIS. This public meeting was postponed as a result of inclement weather and was rescheduled for February 21, 1978. In the interim the Homeowners Association filed suit in the U.S. District Court to enjoin EPA and MSD from proceeding with implementation of the 201 Plan. Additionally, the Homeowners Association requested that a "full comprehensive Environmental Impact Statement be prepared for the Riverport Industrial Park, the West County Wastewater Treatment Plant, and connecting interceptors that are in the process of being constructed in Southwest Jefferson County, Kentucky." The February 1978 public meeting initiated the formal public participation activity of the EIS and was attended by over 150 people.

After consideration of the comments received at the February 1978 public meeting and other related concerns, EPA determined that the West County-Pond Creek System was cost-effective and environmentally sound and that a Negative Declaration was warranted. This Negative Declaration was issued on May 17, 1978.

EPA further resolved that significant controversy and unresolved issues surrounded the 201 Plan recommendations for the Mill Creek Basin portion of the West County area and a Notice of Intent to prepare an EIS on this portion of the 201 study area was issued on May 17, 1978.

The Mill Creek EIS proceeded with the preparation of a series of Task Reports pertinent to the development and evaluation of wastewater management alternatives for the Mill Creek EIS study area. These Task Reports were submitted in draft form on the following dates:

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|---|---|
| Project Background | February, 1979 |
| Environmental Inventory | September, 1979 |
| Alternatives Development | November, 1979 |
| Groundwater Program | April, 1980 |
| Alternatives Evaluation | November, 1980 |

In June 1981, a Mill Creek Area EIS Preliminary Decision Paper was prepared and issued for public and local agency review. The Decision Paper indicated EPA's preliminary decision of a Draft EIS preferred alternative and the basis for this decision. The Decision Paper was the subject of discussion for a series of meetings with local agencies (MSD, Health Department, Environmental Policy Office, and the Kentucky Department for Natural Resources and Environmental Protection) and a joint Technical/Citizens Review Committee meeting in June, 1981.

The Draft EIS was prepared by incorporating the Task Reports, the Decision Paper, additional groundwater studies, and the Financial Impact Analysis; publication was in September, 1981.

A public hearing was held on November 17, 1981 at the Pleasure Ridge High School Auditorium at which oral comments were received on the Draft EIS. Written comments were to be submitted by December 4, 1981.

The purposes of this document are to briefly summarize the EIS (the Executive Summary), re-state EPA's selected action (Chapter 2), provide corrections and revisions to the Draft EIS (Chapter 3) and respond to the comments on the Draft EIS (Chapter 4).

# CHAPTER 2

**Citizens Review Committee for Sewer EIS.** The first meeting of the Citizens Review Committee for the EPA Sewer EIS will be held at Schaffner Elementary School, 2701 Crums Lane, 7 p.m., March 27. The Review Committee has received three reports from EPA so far. These are: 1.) The Plan of Study, 2 3.) the Phase I preliminary citi documents have to interested cit Association, 448-

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## Videotape on sewer-expansion dispute to be shown Monday night at Stuart High

Stuart High School's PTA is offering people a chance next week to learn

The videotape was first shown in began its olution School. a local ith the pation. with show-

held up installation of sewers in an area roughly west of Dixie Highway and south of Shively to Valley Station, pending the findings of its study. It will look at how septic tanks and other waste-disposal systems now in use are affecting the environment there.

The videotape explains that a committee of local residents will review all

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## EIS Study Advisory Committee Members Have Reservations

Last week was the first meeting of the Citizens Advisory Committee for the Mill Creek EIS, and some of the committee members did not like what took place.

The citizens advisory meetings are being held to compl/ with federal regulations for citizen input to major federal actions. This action is the EIS for the Mill Creek portion of the MSD sewer plan.

The group meeting was groundwater evaluation were discussed. A member questioned the validity and conclusiveness of the data presented because of the admittedly insufficient testing the member said the contractors presented.

After the meeting several citizen members expressed dissatisfaction with the way the meeting was handled. One member thought the contract representatives were "heavy- pre-determined findings and that constructive criticism was dissuaded rather than advocated."

Another member questioned if the review committee proceedings were being conducted in accordance with federal guidelines for public participation. "We appeared just to be satisfying a mandate for public participation. I think the results have been predetermined and this is an after-a-fact study." Several committee members were reportedly considering a letter of protest to the Council of Environmental fact are not a citiz meeting, but EPA meetin with a citizen audience, present EPA's preconceiv ideas," one member said.

"If the citizens .dviso committee meetings are chaired by a member of committee, and if the EP delegation and contracto are not receptive to comments and suggestion of the committee, we ar going to file a 'dissentin report' to the President' Council and to all recipient of the EIS," one membe said.

EPA officials could not reached for comment.

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**Sewer EIS Review Committee Meeting.** The citizens review committee for the Mill Creek EIS on Sewers held their first meeting on March 27. Only 7 of the 14 committee members attended. At the meeting, EPA officials and contract representatives explained the reports that have been issued so far. These include the Plan of Study, a Background Report, and the Phase I Water Study. Several members of the committee objected to the water testing procedures. Intercom noted that we have been assisting EPA in keeping the public informed by posting their reports community and by notices We also reported the results ;s of the video tape on the requested they furnish us a meet the requirements fo nnel 15. Intercom has been ıpe throughout the county howing will be at Western April 30. Any groups or to see this 70-minute color sewer EIS plan should call 17.

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*Filed By Homeowners*

## Suit Dismissed By Federal Court

*by Ed Stumler*

A federal lawsuit filed by the Southwest Jefferson County Homeowners Association has been dismissed.

The suit, filed almost 15 months ago, asked the court to order the Environmental Protection Agency to conduct a full-scale environmental study on the county's proposed sewer expansion program.

The Homeowners Association maintained that EPA officials had not taken proper saying EPA wasn't going to conduct any study.

However, following the filing in federal court, EPA officials decided last May that an environmental study would be conducted for an area west of Dixie Highway, between Shively and Valley Station, but would not include the proposed West County Waste Water Treatment Plant proposed to be located on Orell Road.

At a meeting of the association Monday night, members didn't seem overly

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## Suit over sewers dismissed; citizens claiming a victory

By BOB DEITEL
Louisville Times Staff Writer

It's all over. After 15 months of plan- and advo- Jefferson expansion County decided sewers the case group? abruptly

the citizens' group. "I'd say most of our people our satisfied."

Because of that, the group voted last night not to appeal a recent ruling by U.S. Dist '-t Judge Thomas A. Ballantine Jr. in favor of the government agencies financing the county's sewer program.

Ballantine ruled basically that one of the agencies — the U.S. Environmental Protection Agency — had complied with all legal requirements before deciding sewer expansion could go forward in most areas of the county.

The homeowners' group claimed that EPA should make a countywide envi-

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— opinion page

## With Some Sorting, Homeowners Can Find A Victory

To the casual observer, the decision by a federal court last week to throw the Southwest Jefferson County Homeowners Association's suit out of court may not be much to celebrate.

And those critics of the way the association proceeded with its suit may even claim the association has been struck down in defeat.

That's simply not the case.

In fact, through some sorting, the situation is at best complex, and even mind boggling, but the decision of the court last week—not to order a complete environmental impact study on the entire county's sewer expansion program—may be a blessing in disguise.

More than 15 months ago, the Homeowners filed the case and hired a Lexington attorney, Oscar Geralds, to see if through legal action the group could get a federal court to force the Environmental Protection Agency to conduct a complete environmental study on the sewer expansion program planned for the county, complete with a detailed study of the posed West County Waste Treatment Plant.

the disgusting problems the Morris Foreman residents don't sewers when they have properly working septic tanks, and most of all, they don't want a sewage treatment plant located in their backyard that will bring them national attention because it is violating all state and federal water pollution regulations.

Those who believed the Homeowners suit would stop sewers altogether were not being realistic. The suit wanted a study to see if the septic tanks are in fact working and to see if another method of wastewater disposal may be more "up-to-date" than sewers.

Although the court wouldn't order a complete area wide study, a partial area of Southwest Jefferson County is getting an EIS, a direct result of the Homeowners suit. This is a victory.

And what about the residents in the Valley Station area that have been reimbursed for damages caused to their property during the installation of sewers? Certainly, this is a victory.

And, as attorney Ray Link pointed out Monday night at a Homeowners meeting, had the court ruled in favor of the Homeowners, it would be foolish to think that federal officials wouldn't have appealed that decision.

And here's the blessing in disguise. If federal officials would have had to file an appeal, guess who would have had to foot the bill for the federal attorneys while at the same time footing the bill for their private attorney?

While it has taken the court 15 months to make its decision, we believe it is a good sound decision. The Homeowners have accomplished many of their goals without winning the battle and they have opened the eyes of many federal

We officials lightly in for more decisions impact or this comm With and Harrod, William Francis Link, Hood, Homeow here faithfu

The ting, remain of the example managed District.

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## Broader study on sewer plan urged

By LESLIE ELLIS
Courier-Journal Staff Writer

There's more to it than sewers or pipes or newfangled contraptions for handling waste water.

That's what members of a citizens panel made clear last night. They were meeting for the second time as part of an advisory committee for the environmental impact study under way in the Mill Creek area of southwest Jefferson County.

The committee was set up by the U.S. Environmental Protection Agency, Metropolitan Sewer which is studying ways to get rid of waste water in that area. Sewers and alternative methods are being considered.

The 13-member committee represents different segments of the community. It acts in an advisory role and reviews segments of the study as they are completed.

A plan adopted in 1975 called for sewers throughout the county, but after strong community opposition, the EPA ordered a study to see if sewers were needed in the Mill Creek basin area.

That area is roughly west of Dixie Highway, between Shively and Valley Village.

Talk about the possibility of sewers, members of the group said, and you have to talk about things like roads, money and credibility with the public in the same breath.

"I'd like to see the EIS (environmental impact statement) include more than bugs and germs and things like

See SOUTHWEST
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# 2. DESCRIPTION OF THE SELECTED ALTERNATIVE

## 2.1 EPA's Decision

EPA's selected alternative for the Mill Creek EIS study area should be regarded in the light of several important factors:

1. The study area comprises a relatively small portion of the Jefferson County area not currently served by regional sewers.
2. EPA has recognized the crucial need for relief of unsewered areas in the Pond Creek watershed. EPA supports the construction of the West County wastewater treatment plant to service the Pond Creek watershed.
3. Wastewater management activities carried out in any part of Jefferson County should be part of a feasible, comprehensive program.
4. Unlike most of Jefferson County, subsurface conditions in the Mill Creek area allow most wastewater management needs in the area to be satisfied by on-site systems.

EPA has determined that the appropriate action for the Mill Creek area would be to alleviate the problems caused by malfunctioning commercial septic tank systems and small wastewater treatment plants by implementing Alternative 7b, as shown in Figure 3. This alternative proposes a limited sewering action that would serve the Dixie Highway Corridor and at least eighteen of twenty-six small package plants, while leaving the residential community on septic tanks. The remaining eight small plants could be dealt with in one of several ways, such as 1) upgrading to meet water quality requirements, 2) disposing of effluent to seepage pits, subject to the Underground Injection Control (UIC) program under the Safe Drinking Water Act (SDWA), 3) conveying wastewater to the existing Black Pond Creek interceptor or 4) conveying wastewater to the proposed Dixie Highway Interceptor. Other small, existing treatment facilities with surface water discharges (seven plants in the 500 to 2,000 gallons per day range are operated in the study area) could be connected to the existing Black Pond Creek sewer, to sewers to be constructed under Alternative 7b, or to groundwater discharge.

It is important to note that EPA's decision relates only to the wastewater management needs of the Mill Creek study area. Thus, the selected action represents a decision of federal funding for the area of greatest need for public sewering in the EIS area. Since on-site systems in the EIS area are functioning adequately to provide wastewater disposal for most residences, EPA did not consider funding of more extensive regional sewers to be cost-effective.

EPA recognizes that serving future population with on-site systems would not be consistent with existing Health Department septic tank regulations. In this regard, the Federal government is not attempting to preempt local decision-making. Additionally, EPA is not seeking to limit the flexibility of local government in accommodating future development in the study area. It should be noted that, although on-site systems would not be consistent with certain types of residential and commercial development, substantial sewer capacity is available at this time in the Black Pond Creek interceptor. EPA's selected action does not preclude use of this existing sewer to serve future developments, nor does it prevent locally funded expansion of the public sewer system or increased sewer capacity beyond the scope of Alternative 7b.

## 2.2 Description of the Selected Alternative

Alternative 7b makes use of three types of treatment systems: a regional system, on-site systems, and possibly a few small-area treatment plants. Existing unsewered commercial units not along the Dixie Highway corridor and existing unsewered residental units will continue the use of on-site systems or connect to existing interceptors. The eight small-area treatment plants that serve schools have several options available, including 1) upgrading for surface water discharge, 2) disposing in seepage pits, subject to the UIC program under the SDWA, 3) conveying wastewater to the existing Black Pond Interceptor, and 4) conveying wastewater to the proposed Dixie Highway Interceptor. The other 18 treatment plants and commercial units along the Dixie Highway corridor will be served by the limited regional system with wastewater being conveyed to the proposed West County Plant for treatment and discharge to the Ohio River. Future development will be served by on-site systems or by tying into the existing Black Pond Interceptor at the choice of local developers and administrators.

### 2.2.1 On-Site Systems

There are over 20,000 existing on-site systems in the Mill Creek area serving single-family dwellings, mobile homes, multi-family dwellings, and non-residential units. Under Alternative 7b, all but approximately 400 non-residential units will continue the use of on-site systems.

The typical on-site system in Mill Creek consists of a septic tank and seepage pit. A septic tank is a watertight tank, usually constructed of concrete, that receives and treats all wastewater from a house or other source. Residential tank volumes usually range from 3 to 6 $m^3$ (750-1,500 gal), depending on the size of the house and state or local sizing requirements. As wastewater passes through the septic tank, the heavier solids sink to the bottom and the lighter particles rise to the surface; partially treated liquid flows from the tank to the disposal area. Liquid detention time in the tank is usually two to four days. The solids remaining in the tank undergo anaerobic decomposition. The septic tank must be pumped out periodically--usually every 2 to 5 years--to prevent solids from building up and overflowing the tank into the disposal area, where the solids can clog the soil pores until the absorption system eventually stops functioning. The septage that is pumped out of the septic tanks is discharged into the Morris Forman system for further treatment and disposal.

A seepage pit is a lined, circular pit approximately 1.2 m (4 ft) in diameter and 6 m (20 ft) or more deep. The bottom of the pit is filled with gravel or crushed rock to a depth of 0.3 to 0.6 m (1 to 2 ft). Wastewater is discharged to the pit and seeps through the gravel into the surrounding soil. The depth of the pit is dependent on the location of suitable soil for absorption and renovation of the wastewater. In Mill Creek the seepage pits are extended through the non-porous upper soils of clay and discharge into the underlying glacial sand and gravel.

Septic tanks are designed to last approximately 40 years. Should structural failure of the septic tank occur, sewage could rise to the ground surface and/or back up into the house. Should failure occur it may be necessary to replace the septic tank. For houses on 0.1-ha (0.25-ac) lots or smaller, it may be difficult to get the construction equipment required to replace the septic tank into the back yard. In this situation it may be necessary to use an alternate, potentially more expensive means of replacement. By the year 1995, 4,170 units will be 40 years old. An additional 10,800 units will be 40 years old by the year 2005.

Wastewater management for future growth has been assumed, for cost estimating purposes, to be provided by on-site systems, or by connection to the future interceptor sewer system. EPA recognizes that septic tank use in Jefferson County is constrained by a 1978 Health Department regulation (Chapter III, Rule 8, of the Sanitary Code of the Louisville and Jefferson County Board of Health) to lots of 5 ac (2 ha) or more, except on building lots that existed before June 1, 1978. EPA is not recommending that this regulation be adjusted, since the rule's enforcement and interpretation are local prerogatives. If the septic tank regulation, as it is applied to the Mill Creek area, continues to forbid development with on-site systems, public or private sewage faciltiies would be required to accommodate future wastewater management needs.

Management of the on-site system would continue to be the responsibility of the owner. Responsibilities of the owner include having the septic tank pumped out every 2 to 5 years and replacing the system should it fail.

### 2.2.2 Small-Area Treatment Plants

Of the existing 26 treatment plants, 18 are proposed to be served by the selected alternative. Options available to the remaining 8 plants include upgrading for surface water discharge, disposing to a seepage pit, or conveying wastewater to a public sewer. Table 4 lists the NPDES permit number, the design flow, the liquid and sludge treatment method, and the receiving stream for each of the 8 remaining plants. The treatment plant locations are shown on Figure 2. The effluent disposal method will be determined by the treatment plant owner and will be based on cost, soil suitability, and the ability to get a discharge permit for the selected method. If the plants are retained and upgraded, the effluent disposal method is likely to be 1 of 2 alternatives: surface water or subsurface discharge.

Surface water discharge would require an effluent in conformance with the standards shown in Table 5. Each of the extended-aeration plants would require upgrading to produce an effluent suitable for discharge to surface waters:

1. Plant effluent would be treated by sand filtration.
2. Sand filter effluent would require reaeration to meet the dissolved oxygen discharge standard.

The treatment facilities at the Wade Shacklette School would require additional upgrading to extended aeration for the surface water discharge alternative.

For subsurface effluent disposal, discharges would be subject to the UIC program under the SDWA; appropriate treatment processes would be determined

## TABLE 4. SMALL WASTEWATER TREATMENT PLANTS IN THE SELECTED ALTERNATIVE

| | Name[a] | NPDES Permit No. | Design Flow | | Treatment Methods | | Receiving Stream |
|---|---|---|---|---|---|---|---|
| | | | $m^{3}/d$ | gpd | Liquid | Sludge | |
| 5. | Sanders Elementary School | 00027138 | 28 | 7,500 | Extended Aeration | Hauling | Davis Run Creek |
| 9. | Eisenhower Elementary School | 00026999 | 57 | 15,000 | Extended Aeration | Hauling | Mill Creek (600 Trib.) |
| 11. | Pleasure Ridge Park High School | 00027120 | 250 | 65,000 | Extended Aeration | Hauling | Mill Creek (Unnamed Trib.) |
| 12. | Conway Middle School | 00027197 | 57 | 15,000 | Extended Aeration | Hauling | Mill Creek (Unnamed Trib.) |
| 14. | Shacklette, Wade School | 00027014 | 30 | 8,000 | Lagoon | Hauling | Ohio River |
| 22. | Kerrick Elementary School | 00027090 | 28 | 7,500 | Extended Aeration | Hauling | Big Run (Unnamed Trib.) |
| 23. | Wellington Sara Belle School | 00027103 | 28 | 7,500 | Extended Aeration | Hauling | Ohio River |
| 25. | Johnsontown Elementary School | 00026310 | 57 | 15,000 | Extended Aeration | Hauling | Ohio River |

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Sources: NPDES Permit information: Louisville and Jefferson County Department of Public Health; Kentucky Department for Natural Resources and Environmental Protection

[a] Numbers keyed to plant locations in Figure 2.

## TABLE 5. EFFLUENT LIMITATIONS FOR DISCHARGE TO SMALL STREAMS IN THE MILL CREEK STUDY AREA

| Effluent Characteristics | Effluent Limitation | |
|---|---|---|
| | Daily Avg. | Daily Max. |
| Biochemical Oxygen Demand (5-day) | 10 mg/L | 20 mg/L |
| Total Suspended Solids | 10 mg/L | 20 mg/L |
| Fecal Coliform Bacteria, Number per 100 ml | 200 | 400 |
| Ammonia | 4.0 mg/L | 8.0 mg/L |
| Dissolved Oxygen | 6.0 mg/L minimum at any time | |
| pH | not less than 6 and not greater than 9 standard units | |
| Floating Solids, Visible Foam | No discharge in other than trace amounts | |
| General | Shall not cause a visible sheen on the receiving water | |

for each discharge site. Design criteria established by the Jefferson County Sanitary Code were used for preliminary seepage pit design.

Under either discharge alternative, three plants will be 30 years old before the end of the planning period and may need to be replaced:

Kerrick Elementary School
Pleasure Ridge Park High School
Sanders Elementary School

Replacement would probably occur in conjunction with the upgrading of the plants. Those plants that would continue to discharge to surface waters would be replaced with extended aeration package treatment plants. Those plants that would use subsurface effluent disposal and not need to be replaced or upgraded would continue the use of their existing treatment systems before discharge to a seepage pit.

Additionally, the option of tying into the existing Black Pond Interceptor or the proposed Dixie Highway Interceptor and the West County Treatment Plant are technically plausible (pump station and small-sized force main) and potentially economically attractive.

### 2.2.3 Regional Treatment System

The regional system would serve approximately 400 commerical units along the Dixie Highway corridor and the following 18 package plants (the numbers in parentheses are keyed to Figure 2):

Valley Village Subdivision (1)
Valley High School (2)
Villa Anna (3)
Beth Haven Baptist Church (4)
Westland Mall (6)
Timothy Hills Subdivision (7)
Eden Apartments (8)
Waverly Hills Apartments (10)
S.W. Jefferson County Government Center (13)
R & W Laundromat (15)
Havalock Subdivision (16)
Silver Palms Swim Club (17)
Cardinal Mobil Home Park (18)
Fordhaven Subdivision (19)
West Springfield Subdivision (20)
Forest Hills Subdivision (21)
River Valley Mobile Home Park (24)
Woodhaven Medical Services (26)

Interceptors will convey the wastewater by gravity to a planned 2.2 $m^3/s$ (50 mgd) West County Treatment Plant. The average daily flow from Mill Creek to the West County Treatment Plant would be 0.13 $m^3/s$ (3 mgd).

Interceptor alignments are shown on Figure 3. Interceptor OR-1, VT-2, and VV-1 would be constructed as designed by MSD for the 201 plan. The interceptors along Dixie Highway were designed using the design criteria set forth in MSD's Design Manual; Tables 6 and 7 show preliminary design data developed for the Dixie Highway segments. The interceptors size ranges are:

| Interceptor | Size Range | |
|---|---|---|
| | in. | cm |
| DH-1 | 27-36 | 69-91 |
| DH-2 | 8-12 | 20-30 |
| DH-3 | 12-21 | 30-53 |
| DH-4 | 10-15 | 25-38 |
| DH-6 | 10 | 25 |
| DH-7 | 10 | 25 |
| DH-8 | 10 | 25 |
| OR-1 | 8-12 | 20-30 |
| VT-2 | 10-30 | 25-76 |
| VV-1 | 24-27 | 61-69 |

## 2.3 Project Impacts and Mitigative Measures

### 2.3.1 Historic Places

Six historic places have been identified as being potentially affected by the selected alternative (See Section 3.2.6) due to their proximity to the preliminary interceptor alignments. Historic places can be directly affected if the interceptor is designed to go through the site. Sites could be affected indirectly by nearby construction activities that could cause structural damage. Direct impact could be mitigated during the final design of interceptors by routing interceptors to avoid historic places. Indirect impacts could be mitigated by modifying construction procedures and/or taking precautions at the affected site, for example by providing temporary additional structural support. Documentation of plans to mitigate the impacts to historic sites will be a grant condition that will need to be complied with before construction is initiated. No construction will take place until surveys are completed to the satisfaction of the State Archaeologist and the State Historic Preservation Officer. Should resources be discovered, the appropriate state office should be contacted for mitigative measures. No construction will take place until the appropriate state offices are satisfied with the selected mitigative measures.

### 2.3.2 Archaeological Sites

Many archaeological sites have been found in the study area and throughout Jefferson County. Construction activities associated with interceptor placement and treatment plant construction could uncover additional sites. Such discovery could be considered beneficial if it leads to archaeological development and study, for example, or adverse if the site is disturbed or destroyed.

Archaeological surveys will be a grant condition that will need to be complied with before construction is initiated. Emergency contacts will also need to be established for emergency discovery of sites during construction. No construction will take place until surveys are completed to the satisfaction of the State Archaeologist and the State Historic Preservation Officer. Should resources be discovered, the appropriate state office should be contacted for mitigative measures. No construction will take place until the appropriate state offices are satisfied with the selected mitigative

## TABLE 6. DESIGN DATA FOR THE DIXIE HIGHWAY INTERCEPTOR

|  |  | Flow[b][c] |  | Interceptor Design[c] |  |  |
|---|---|---|---|---|---|---|
| Interceptor | Segment[a] | Average (mgd) | Peak (mgd) | Diameter (in.) | Slope (%) | Length (ft.) |
| DH-1 | A | 1.23 | 4.45 | 27 | 0.067 | 5,600 |
|  | B | 1.52 | 5.33 | 36 | 0.046 | 4,750 |
| DH-2 | A | 0.03 | 0.16 | 8 | 0.005 | 1,400 |
|  | B | 0.07 | 0.34 | 10 | 0.28 | 2,300 |
|  | C | 0.10 | 0.48 | 12 | 0.22 | 2,050 |
| DH-3 | A | 0.05 | 0.26 | 12 | 0.22 | 6,000 |
|  | B | 0.39 | 1.95 | 21 | 0.10 | 4,500 |
| DH-4 | A | 0.02 | 0.09 | 10 | 0.28 | 2,800 |
|  | B | 0.23 | 1.14 | 15 | 0.15 | 3,650 |
|  | C | 0.10 | 0.48 | 10 | 0.28 | 2,000 |
| DH-6 | - | 0.24 | 1.10 | 10 | 0.60 | 5,500 |
| DH-7 | - | 0.12 | 0.59 | 10 | 0.24 | 6,650 |
| DH-8 | - | 0.08 | 0.38 | 10 | 0.22 | 6,450 |

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(a) See Table 7 for location of segments.

(b) Includes existing treatment plant flows and flows from existing commercial areas shown on MSD's Master Plan drainage maps. Commerical flow estimates and peak factors as per MSD's Design Manual.

(c) Metric conversions: mgd x 3,790 = $m^3/d$; in. x 2.54 = cm; ft. x 0.305 = m

## TABLE 7. LOCATION OF DIXIE HIGHWAY INTERCEPTOR SEGMENTS

| Interceptor | Segment | Location<br>From... | <br>To... |
|---|---|---|---|
| DH-1 | A | VT-2 | Pages Lane |
| | B | Pages Lane | WH-1 (a) |
| DH-2 | A | Greenwood Road | Seibel Court |
| | B | Seibel Court | Paramount Drive |
| | C | Paramount Drive | Pages Lane |
| DH-3 | A | Lewiston Place | Lower Hunters Trace Road |
| | B | Lower Hunters Trace Road | VT-2 |
| DH-4 | A | Lewiston Place | Meyers Lane |
| | B | Meyers Lane | Lower Hunters Trace Road |
| | C | St. Pauls Church Road | Lower Hunters Trace Road |
| DH-6 | - | Bethany Road | PC-1 |
| DH-7 | - | Citation Drive | PC-1 |
| DH-8 | - | Alandale Drive | Bethany Road |

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Notes: Odd numbered interceptors are along the west side of Dixie Highway; even numbered interceptors are along the east side of Dixie Highway.

DH-2 joins DH-1 at Pages Lane.
DH-4 joins DH-3 at Lower Hunters Trace Road
DH-7 joins DH-8 at Bethany Road

measures.

### 2.3.3 Highways

Most of the preliminary interceptor routes lie in highway corridors; it is likely that the final design will also route interceptors through highway corridors. During final design, contact will be made with the Kentucky Department of Transportation to coordinate any proposed access to or encroachment on any State maintained roads, and to obtain any required permits.

### 2.3.4 Public Health

Removing or upgrading small treatment plant discharges to small streams would reduce the potential risk of infection from informal recreational use of streams in the study area. The health risk is posed by possible inadequate disinfection of treatment plant effluent before discharge.

Continued use of subsurface disposal of septic tank effluent by the present and future residential population served by septic tanks would continue the existing impact to groundwater. To mitigate potential health problems, users of private wells should be connected to treated public water supplies. At a minimum, private well water should be disinfected prior to consumption. Regardless of which alternative is selected, connection to public water supplies is encouraged because of the time required to implement any alternative.

### 2.3.5 Noise

Noise would be created by several aspects of the proposed alternative. Short-term impacts from construction noise during interceptor placement would be significant, particularly affecting close-quarter businesses along Dixie Highway. Neighborhood noise levels would be increased in the short-term by construction of other interceptors, by the upgrading or dismantling of small treatment plants, and by seepage pit construction. To mitigate these adverse impacts, project activities should conform to local noise regulations.

### 2.3.6 Soils

The proposed alternative would have minor local impacts on soils in the study area. Limited erosion and mixing of soil horizons would occur from constructing the regional interceptor along Dixie Highway and sewers to connect the areas served by the small treatment plants that would be abandoned. Along Dixie Highway, soils would be exposed as trenches are dug for the interceptor. Connecting sewers from abandoned treatment plants would be placed along stream corridors and streets. Good erosion control practices would mitigate adverse impacts during construction and post-construction impacts could be mitigated by resurfacing disturbed streets and replanting vegetation along disturbed stream corridors. Appropriate erosion control methods will be identified during final design and included in the contract drawings.

### 2.3.7 Terrestrial Ecology

Adverse impacts will result from construction of sewers along stream corridors by disturbing natural vegetation and disrupting wildlife habitat. These impacts can be mitigated by replacing vegetation, making minor route changes to avoid large trees, and restricting construction right-of-way to the minimum necessary for construction equipment. Specific mitigation practices will be identified during final design and included in the contract drawings.

Very few wetlands remain in this highly urbanized area. If, during design, interceptor routes are found to cross wetlands, appropriate permits will be obtained from the Army Corps of Engineers.

## 2.4 Construction Grant Priorities in Jefferson County

This EIS demonstrates that the most cost-effective, environmentally sound action for the Mill Creek area would be to implement Alternative 7b. It is important to note that the proposed action for the Mill Creek area must be assigned a priority for implementation in the context of the needs of the entire portion of Jefferson County. The appropriate forum for assignment of priority is through a local evaluation process combined with consideration (for these portions of projects which are either EPA grant eligible or are dependent on EPA eligible projects) of Kentucky's assignment of priority and resulting expected fundability. This process should reestablish the extent and focus of the County sewer expansion program by setting priorities for program segments clearly based on environmental and public health needs in light of the latest cost and environmental information, as well as the availability and timing of funding. For example, there would be little point in setting a high local priority for projects that the state priority list showed for either low or no priority.

This procedure should be directed toward establishing priority for Jefferson County program segments to include, but not limited to:

1. The Mill Creek proposed action,
2. Pond Creek sewering,
3. The West County treatment plant,
4. Morris Forman diversions,
5. County-wide sludge management,
6. North County EIS proposed action, and
7. Floyds Fork wastewater management.

Although the priority of implementing Alternative 7b in the Mill Creek area will be determined through this process, certain critical public health and water quality needs are clear. Pond Creek needs have been recognized by MSD and EPA since 1974 to be extremely urgent. Further, preliminary evaluations related to the North County EIS have provided extensive evidence of serious public health problems posed by failing on-site systems.

In placing the Mill Creek area EIS selected alternative in perspective with Jefferson County's other wastewater management problems, it becomes clear that other projects such as the West County - Pond Creek System, the North County project, and Morris Forman system improvements should proceed as rapidly as possible. The correction of existing surface water discharge problems and problems associated with the use of on-lot systems by commercial establishments along Dixie Highway are also high priority. In setting these priorities, future options for the Mill Creek area residential on-lot systems should remain flexible. Certain general criteria for determining when and under what circumstances the Mill Creek area residential on-lot systems should receive a higher priority rating would be helpful. These criteria should also provide a basis for proceeding with the critical correction of water quality and public health problems occurring elsewhere in the County. The criteria can address, in general terms, the parameters involved in future decisions regarding Mill Creek priorities, and the reasons for the higher priorities of the other, more critical areas of the County.

Typically, the evaluation of site suitability for septic tank use considers constraining physical conditions such as depth to bedrock, percolation rates, seasonal high water table, population density, etc. The general priority criteria that are addressed in this EIS will expand upon these conventional physical parameters and concentrate on criteria with specific application to the wastewater problems of Mill Creek and Jefferson County.

This initial development of priority criteria involves the consideration of factors that are critical to determining existing priority and for determining when and under what circumstances a lower priority area should be reassigned a higher priority. Local and state evaluations should be directed toward refining these general priority criteria and determining local priority positions.

The following criteria for determining existing and future priority positions are proposed:

1. The development of adverse public health impacts from septic tank failures.

2. The occurrence of significant functional or operational failures of septic tanks.

3. A rise in groundwater levels that adversely affects septic tank operation.

4. The establishment of a plan for use of groundwater as a public water supply source where existing on-lot operations preclude such use.

5. Significant, demonstrable adverse land use impacts caused by constraints from established wastewater management operations.

### Discussion of Criteria

1. The development of adverse public health impacts from septic tank failures.

The elimination or avoidance of adverse public health impacts is a critical concern in wastewater management. These impacts could include changes in water quality, increases in pollution levels, creation of high risk situations or the aggravation of an existing problem resulting in public health risks. For the purposes of this study, impacts to public health relate primarily to existing and future uses of surface and groundwater resources. These uses include body contact and consumption.

The quality of Mill Creek area groundwater has been determined by the EIS Groundwater Program to be influenced by existing septic tank use and not suitable as an untreated drinking water source. The sampling program showed some cases of high nitrate levels and elevated bacteria levels. The potential for public health impacts related to groundwater influenced by septic tanks is, however, tempered by limited existing and future use of groundwater. Additionally, since the incidence of system failure in the Mill Creek area is extremely low, the potential for human contact with failing systems is also low. Therefore, the existing situation in Mill Creek and the future situation under the EIS preferred alternative are cases in which public health problems are not expected to develop. Other areas of the County are, however, experiencing substantial on-site system failure and therefore exhibit greater potential for human contact with failing systems and waters impacted by these systems.

The significance of this criterion in re-establishing priorities can be determined by relating the characteristics and circumstances of system failures to the potential for public health impact. This relationship should consider the rate of septic tank failure, the cause of failure (maintenance problems, unsuitable soils, high water table, etc.), the nature of failure (ponding, overflows, backing-up, etc.), the water quality impact, and the use of the resource being impacted (potential for human contact). By monitoring these situations and documenting changes in conditions, the redefinition of a priority may be appropriate.

2. The occurrence of significant functional or operational failures of septic tanks.

For septic tank systems to be successful, they must be operationally sound and functional. The failure of an on-site system can be attributable to site constraints, lack of maintenance or structural failure. In those cases where significant structural failure has resulted in system failure, the options include rehabilitation or sewering. In many cases of structural failure, the site is still suitable for continued system use, however, if significant numbers of on-site systems are experiencing structural failure, rehabilitation or replacement may not be feasible because of technical difficulties, cost or potential public health impacts. These instances should be analyzed on a case by case basis in order for the significance of this criterion to be determined.

3. A rise in groundwater levels that adversely affects septic tank operation.

It has been reported in the past that groundwater levels in Louisville are rising. This does not seem to be the case in the Mill Creek area despite the contribution to groundwater from on-site systems. In order for septic tank systems to be successful, a sufficient zone of subsurface soils between the disposal unit (lateral field or seepage pit) and the groundwater table is needed. In recognition of this need, Section 304.406b (6) of the Sanitary Code of the Louisville and Jefferson County Board of Health requires that "whenever, in the course of construction, the (seepage) pit bottom penetrates the subsurface water table, the bottom of the pit shall be filled with clean, coarse sand to a level at least two feet above the water table." Therefore, the application of this criterion for re-establishing priority positions would be appropriate when groundwater levels rise to the point that operations of a significant number of septic tank systems are impaired and measures are not available to mitigate these operational problems.

4. The establishment of a plan for use of groundwater as a public water supply source where existing on-lot operations preclude such use.

Most of Jefferson County's water supply needs are met by the Louisville Water Company (LWC). At present, the Ohio River is the sole source of raw water for the LWC, which is permitted by the Kentucky DNREP to withdraw a yearly average of over 200 million gallons per day. In areas where LWC lines have not been extended, water supply is provided by private water wells. For esample, 300-600 homes (1-2%) in the Mill Creek area may use private wells for water supply.

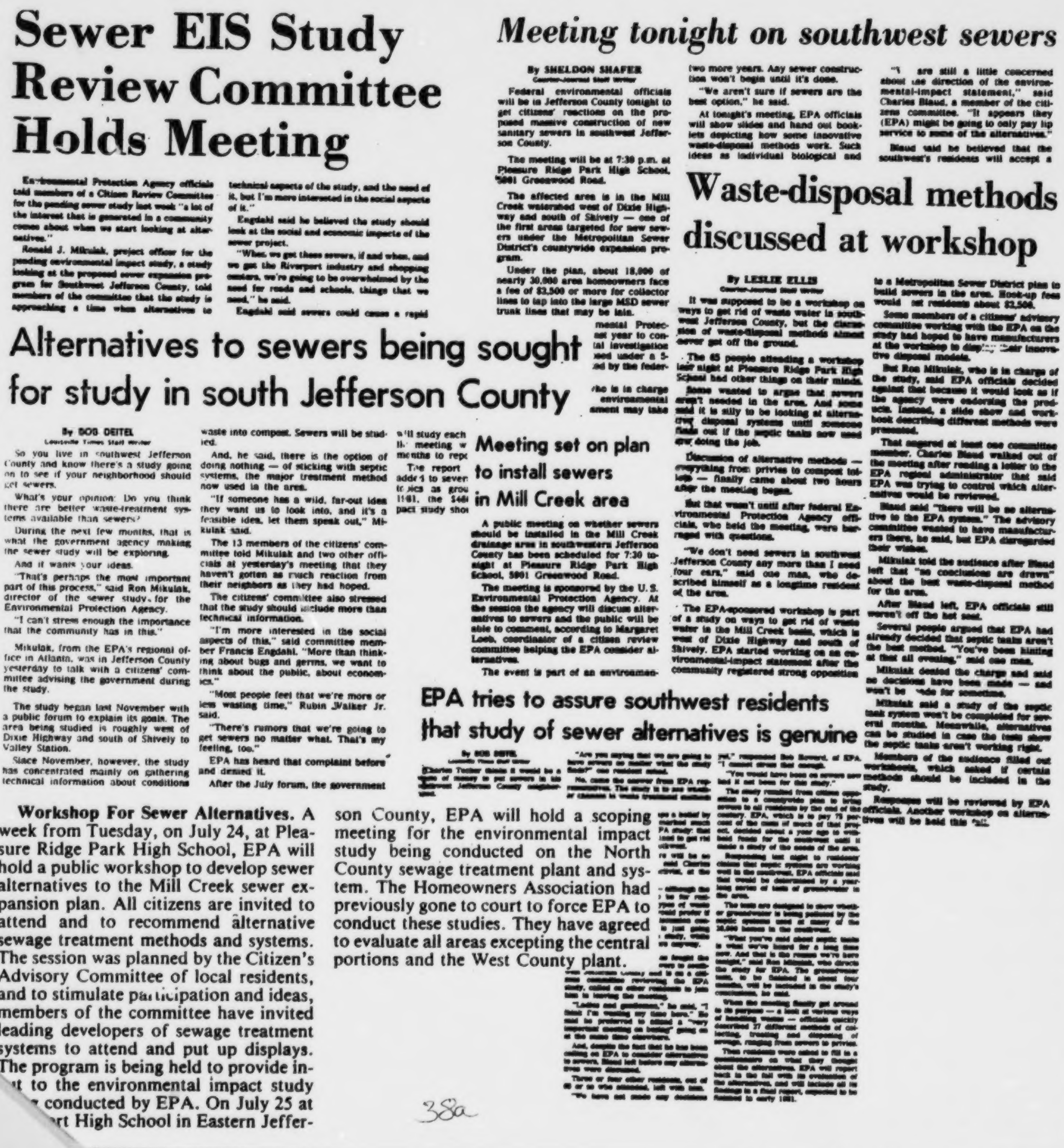
In the event that groundwater is proposed to be used as a public water supply source, measures should be taken to minimize water quality degradation. In the case of Mill Creek area groundwater, the EIS groundwater program found that groundwater was being influenced by existing septic tank use (some elevated nitrate and bacteria levels) and is not suitable as an untreated drinking water source. It was also indicated that the potential for public health impacts related to groundwater influenced by septic tanks is tempered by limited existing use and future use of groundwater. With regard to future use, the LWC has indicated that there are no short or long-term plans to use the groundwater in southwest Jefferson County. Nevertheless, data indicate the Mill Creek area groundwater could now, and even in the future with increased wastewater discharges, be used as a raw water source. With the application of conventional disinfection, the finished drinking water would be expected to be well within established finished drinking water criteria.

If, however, conditions and policies were to change and the LWC proposed to use Mill Creek area groundwater, it may be appropriate to minimize the impact on groundwater quality.

5. Significant, demonstrable adverse land use impacts caused by constraints from established wastewater management operations.

It is expected that under the EIS selected alternative, future development can be accommodated by on-site systems and existing sewer lines. This wastewater management system should allow for existing land use patterns to continue. If, however, a significant shift in expected development patterns, trends or types would develop that could not be adequately served by the preferred alternative, adjustments or modifications to the system configuration may be appropriate.

# CHAPTER 3



## Sewer EIS Study Review Committee Holds Meeting

Environmental Protection Agency officials told members of a Citizen Review Committee for the pending sewer study last week "a lot of the interest that is generated in a community comes about when we start looking at alternatives."

Ronald J. Mikulak, project officer for the pending environmental impact study, a study looking at the proposed sewer expansion program for Southwest Jefferson County, told members of the committee that the study is approaching a time when alternatives to

technical aspects of the study, and the need of it, but I'm more interested in the social aspects of it."

Engdahl said he believed the study should look at the social and economic impacts of the sewer project.

"When we get these sewers, if and when, and we get the Riverport industry and shopping centers, we're going to be overwhelmed by the need for roads and schools, things that we need," he said.

Engdahl said sewers could cause a rapid

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## Meeting tonight on southwest sewers

By SHELDON SHAFER
Courier-Journal Staff Writer

Federal environmental officials will be in Jefferson County tonight to get citizens' reactions on the proposed massive construction of new sanitary sewers in southwest Jefferson County.

The meeting will be at 7:30 p.m. at Pleasure Ridge Park High School, 5901 Greenwood Road.

The affected area is in the Mill Creek watershed west of Dixie Highway and south of Shively — one of the first areas targeted for new sewers under the Metropolitan Sewer District's countywide expansion program.

Under the plan, about 18,000 of nearly 30,000 area homeowners face a fee of $2,500 or more for collector lines to tap into the large MSD sewer trunk lines that may be lain.

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two more years. Any sewer construction won't begin until it's done.

"We aren't sure if sewers are the best option," he said.

At tonight's meeting, EPA officials will show slides and hand out booklets depicting how some innovative waste-disposal methods work. Such ideas as individual biological and

"... are still a little concerned about the direction of the environmental-impact statement," said Charles Blaud, a member of the citizens committee. "It appears they (EPA) might be going to only pay lip service to some of the alternatives."

Blaud said he believed that the southwest's residents will accept a

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## Alternatives to sewers being sought for study in south Jefferson County

By BOB DEITEL
Louisville Times Staff Writer

So you live in southwest Jefferson County and know there's a study going on to see if your neighborhood should get sewers.

What's your opinion: Do you think there are better waste-treatment systems available than sewers?

During the next few months, that is what the government agency making the sewer study will be exploring.

And it wants your ideas.

"That's perhaps the most important part of this process," said Ron Mikulak, director of the sewer study for the Environmental Protection Agency.

"I can't stress enough the importance that the community has in this."

Mikulak, from the EPA's regional office in Atlanta, was in Jefferson County yesterday to talk with a citizens' committee advising the government during the study.

The study began last November with a public forum to explain its goals. The area being studied is roughly west of Dixie Highway and south of Shively to Valley Station.

Since November, however, the study has concentrated mainly on gathering technical information about conditions

waste into compost. Sewers will be studied.

And, he said, there is the option of doing nothing — of sticking with septic systems, the major treatment method now used in the area.

"If someone has a wild, far-out idea they want us to look into, and it's a feasible idea, let them speak out," Mikulak said.

The 13 members of the citizens' committee told Mikulak and two other officials at yesterday's meeting that they haven't gotten as much reaction from their neighbors as they had hoped.

The citizens' committee also stressed that the study should include more than technical information.

"I'm more interested in the social aspects of this," said committee member Francis Engdahl. "More than thinking about bugs and germs, we want to think about the public, about economics."

"Most people feel that we're more or less wasting time," Rubin Walker Jr. said.

"There's rumors that we're going to get sewers no matter what. That's my feeling, too."

EPA has heard that complaint before and denied it.

After the July forum, the government

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## Meeting set on plan to install sewers in Mill Creek area

A public meeting on whether sewers should be installed in the Mill Creek drainage area in southwestern Jefferson County has been scheduled for 7:30 tonight at Pleasure Ridge Park High School, 5901 Greenwood Road.

The meeting is sponsored by the U.S. Environmental Protection Agency. At the session the agency will discuss alternatives to sewers and the public will be able to comment, according to Margaret Loeb, coordinator of a citizen review committee helping the EPA consider alternatives.

The event is part of an environmen-

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## Waste-disposal methods discussed at workshop

By LESLIE ELLIS
Courier-Journal Staff Writer

It was supposed to be a workshop on ways to get rid of waste water in southwest Jefferson County, but the discussion of waste-disposal methods almost never got off the ground.

The 65 people attending a workshop last night at Pleasure Ridge Park High School had other things on their minds.

Some wanted to argue that sewers aren't needed in the area. And some said it is silly to be looking at alternative disposal systems until someone finds out if the septic tanks now used are doing the job.

Discussion of alternative methods — everything from privies to compost toilets — finally came about two hours after the meeting began.

But that wasn't until after federal Environmental Protection Agency officials, who held the meeting, were barraged with questions.

"We don't need sewers in southwest Jefferson County any more than I need four ears," said one man, who described himself as a longtime resident of the area.

The EPA-sponsored workshop is part of a study on ways to get rid of waste water in the Mill Creek basin, which is west of Dixie Highway and south of Shively. EPA started working on an environmental-impact statement after the community registered strong opposition

to a Metropolitan Sewer District plan to build sewers in the area. Hook-up fees would cost residents about $2,500.

Some members of a citizens' advisory committee working with the EPA on the study had hoped to have manufacturers at the workshop to display their innovative disposal models.

But Ron Mikulak, who is in charge of the study, said EPA officials decided against that because it would look as if the agency were endorsing the products. Instead, a slide show and workbook describing different methods were presented.

That angered at least one committee member. Charles Blaud walked out of the meeting after reading a letter to the EPA regional administrator that said EPA was trying to control which alternatives would be reviewed.

Blaud said "there will be no alternative to the EPA system." The advisory committee wanted to have manufacturers there, he said, but EPA disregarded their wishes.

Mikulak told the audience after Blaud left that "no conclusions are drawn" about the best waste-disposal method for the area.

After Blaud left, EPA officials still weren't off the hot seat.

Several people argued that EPA had already decided that septic tanks aren't the best method. "You've been hinting at that all evening," said one man.

Mikulak denied the charge and said no decisions have been made — and won't be made for sometime.

Mikulak said a study of the septic tank system won't be completed for several months. Meanwhile, alternatives can be studied in case the tests show the septic tanks aren't working right.

Members of the audience filled out worksheets, which asked if certain methods should be included in the study.

Responses will be reviewed by EPA officials. Another workshop on alternatives will be held this fall.

---

## EPA tries to assure southwest residents that study of sewer alternatives is genuine

[illegible]

---

**Workshop For Sewer Alternatives.** A week from Tuesday, on July 24, at Pleasure Ridge Park High School, EPA will hold a public workshop to develop sewer alternatives to the Mill Creek sewer expansion plan. All citizens are invited to attend and to recommend alternative sewage treatment methods and systems. The session was planned by the Citizen's Advisory Committee of local residents, and to stimulate participation and ideas, members of the committee have invited leading developers of sewage treatment systems to attend and put up displays. The program is being held to provide in- ut to the environmental impact study conducted by EPA. On July 25 at rt High School in Eastern Jefferson County, EPA will hold a scoping meeting for the environmental impact study being conducted on the North County sewage treatment plant and system. The Homeowners Association had previously gone to court to force EPA to conduct these studies. They have agreed to evaluate all areas excepting the central portions and the West County plant.

## 3. ERRATA AND REVISIONS TO THE DRAFT EIS

### 3.1 Errata

| Page | Paragraph | Line(s) | Corrections |
|---|---|---|---|
| 1 | 2 | 4 | "... to enjoin EPA and the Louisville and Jefferson County Metropolitan Sewer District (MSD) from further ..." |
| 5 | 3 | 19 | "... package plants. Alternative 7c is ..." |
| 17 | 1 | 15 | "... alternatives that most greatly facilitate the ..." |
| 17 | 3 | 4 | "... nitrate levels (above 10 mg-N/L and ..." |
| 18 | 4 | 8-10 | "Nevertheless, data indicated that the groundwater ... could now, and even in the future with increased wastewater discharges, be used as a raw water source." (Delete "existing" and "could then.") |
| 19 | 6 | 2 | "... compared to about $30 million ..." |
| 24 | 1 | 1 | "... renamed the Morris Forman Wastewater Treatment Plant (WWTP). Along ..." |
| 45 | 3 | 5 | "... smaller-diameter pipes ..." |
| 45 | 5 | 3 | "... arrangements may be utilized." |
| 63 | 5 | 14 | "... all future dwellings and all dwellings ..." |
| 66 | 2 | 10 | "... washing machines, dishwashers). This ..." |
| 71 | 6 | 1 | "Costs were developed ..." |
| 89 | 1 | 6 | "... attractive from the ..." |
| 89 | 4 | 3 | "... will be considered from the ..." |
| 90 | 3 | 2 | "... Reliability Class III ..." |
| 95 | 3 | 9 | "MSD is concerned that ..." |
| 96 | 6 | 2 | "... wastewaters from the Riverport complex." (Delete "Industrial.") |

| Page | Paragraph | Line(s) | Corrections |
|---|---|---|---|
| 97 | 1 | 1 | (Delete "wastewaters from the Riverport complex.") |
| 97 | 5 | 3 | "... have been constructed ..." |
| 98 | 3 | 4 | "... authority from EPA, ..." |
| 105 | 4 | 3 | "Under Alternative 7b, all but approximately 400 non-residential ..." |
| 106 | 3 | 2 | "... tank occur, sewage could ..." |
| 106 | 4 | 7-8 | "... except on building lots ..." |
| 106 | 7 | 2 | "... the remaining 8 WWTP's ..." |
| 107 | 5 | 2 | (Delete "that") |
| 107 | 6 | 2 | "... to seepage pits ..." (Delete "a") |
| 110 | 3 | 9 | "... interceptor O and M cost is $1.77/m ($0.54/ft)." |
| 119 | 2 | 4 | "... Highway. However, ..." |
| 119 | 3 | 3 | "... streams. Siltation could ..." |
| 121 | 5 | 1 | "... future likelihood of adverse public ..." |
| 122 | 4 | 6 | "... system use. However, if ..." |
| 124 | 4 | 3 | "... nitrates (above 10 mg-N/L)." |
| 150 | 5 | 2 | "... Mesophytic Forest by Braun (1950)." |
| 152 | 4 | 3 | "Average velocity 16 km/h (10 mph)" |
| 154 | 2 | 4 | "... parameters would ..." |
| 181 | 3 | 2 | "... the use of individual on-site ..." |
| 195 | 3 | 5-6 | "... periods represented in Jefferson County are summarized ..." (Drop "the" between "in" and "Jefferson.") |
| 222 | (Table 61) | 12 | Ed Myers, not Meyers |
| 229 | (2nd Reference) | | Braun, E.L. 1950 ... |
| 230 | (4th Reference) | | U.S. Army Corps of Engineers (ACE) 1978 ... |

## 3.2 Revisions

### 3.2.1 Sewered Areas and Expanded Service Areas

A revised Figure 2 is provided in the Executive Summary.

### 3.2.2 Unit Cost Estimates for On-Site Systems and Small Treatment Plants

The first page of Table 11 (page 74 of Draft EIS) has been revised and is provided.

### 3.2.3 Interceptor Sizes and Costs

Table 21 (page 111 of draft EIS) has been revised and is provided.

### 3.2.4 Southwest Jefferson County Floodwall

Page 129, replace paragraph 3 with the following:

The following description of the development of surface drainage in the Mill Creek area is excerpted from Hazelet and Erdel (1965):

> Historically, the area dealt with in this report has been poorly drained. When the white man first came to this area there were no major drainage channels, rather the area was covered by a number of large ponds. For instance, the stream we call Black Pond Creek, which is our 100 Tributary area, was at one time a great, long pond 500 feet or so in width and three to four miles in length... Numerous other ponds existed in addition to this one.
>
> Then, as this area began to develop, the Lower Mill Creek as we know it today drained an area which included the area of Shively and what is now referred to as Upper Mill Creek, above the Henry Watterson Expressway and east of Dixie Highway. According to the map of 1879, a connection from Mill Creek to the Ohio River existed at that time on the present alignment of Garrison Ditch. In about 1913, the Mill Creek Cutoff was constructed so that the Upper Mill Creek drained into this Mill Creek Cutoff and thence into the Ohio River. When the floodwall was built in the 1950's, the stream known as Big Run was rerouted from its connection to Upper Mill Creek directly into the Mill Creek Cutoff outside the floodwall. The main channel of Lower Mill Creek was improved and straightened from its original alignment in about 1927 ... It now has a good alignment, fairly straight with only a few curves, and does not wander as would a typical stream in the flood plains. At the time of these improvements, easements were obtained throughout most of the length of Lower Mill Creek.

## TABLE 11. UNIT COST ESTIMATES FOR ON-SITE SYSTEMS AND SMALL TREATMENT PLANTS

| | Capital Cost ($) | Operations and Maintenance Cost ($) |
|---|---|---|
| Septic Tanks/Seepage Pits | | |
| Single-family dwelling | 1,800 | 40/yr |
| Multi-family dwelling and business | 3,600 | 80/yr |
| Aerobic Tanks | 2,300 | 250/yr |
| Alternative Toilets | | |
| Single-family dwelling | 1,700 | 110/yr |
| Multi-family dwelling | 17,000 | 1100/yr |
| Polyvinyl Chloride Pipe | | |
| 1-1/2-inch | 1.85/ft | |
| 2-1/2-inch | 2.25/ft | |
| 3-inch | 2.55/ft | |
| 4-inch | 3.00/ft | |
| 6-inch | 4.35/ft | |
| Vitrified Clay Pipe, Extra Strength | | |
| 8-inch | 5.60/ft | |
| Reinforced Concrete Pipe, Class IV | | |
| 27-inch (with trench 18-20 ft deep) | 89.57/ft | |
| 30-inch (with trench 18-20 ft deep) | 99.53/ft | |
| 36-inch (with trench 18-20 ft deep) | 124.41/ft | |
| Reinforced Concrete Pipe, Extra Strength | | |
| 42-inch (with trench <20 ft deep) | 159.24/ft | |
| 42-inch (with trench >20 ft deep) | 184.13/ft | |
| Aluminum Pipe, 6-inch | 3.55/ft | |
| Vitrified Clay Pipe (a) | | |
| 8-inch (with trench 8-14 ft deep) | 46.73/ft | |
| 8-inch (with trench 14-20 ft deep) | 51.92/ft | |
| 8-inch (with trench 20-30 ft deep) | 72.69/ft | |
| 10-inch (with trench <8 ft deep) | 41.54/ft | |
| 10-inch (with trench 8-14 ft deep) | 46.73/ft | |
| 10-inch (with trench 14-20 ft deep) | 57.11/ft | |
| 10-inch (with trench 20-30 ft deep) | 77.88/ft | |
| 10-inch (with trench >30 ft deep) | 98.65/ft | |
| 12-inch (with trench 8-14 ft deep) | 51.92/ft | |
| 12-inch (with trench 14-20 ft deep) | 62.31/ft | |
| 12-inch (with trench >20 ft deep) | 83.07/ft | |
| 15-inch (with trench 8-14 ft deep) | 57.11/ft | |
| 15-inch (with trench 14-20 ft deep) | 67.50/ft | |
| 15-inch (with trench 20-30 ft deep) | 88.27/ft | |
| 15-inch (with trench >30 ft deep) | 109.03/ft | |
| Reinforced Concrete Pipe | | |
| 18-inch (with trench >20 ft deep) | 88.27/ft | |
| 21-inch (with trench 8-14 ft deep) | 83.07/ft | |
| 21-inch (with trench 14-20 ft deep) | 98.65/ft | |
| 21-inch (with trench 20-30 ft deep) | 119.42/ft | |
| 21-inch (with trench >30 ft deep) | 145.38/ft | |

## TABLE 21. INTERCEPTOR SIZES AND COSTS

(Cost in Thousands of January 1981 Dollars)

|  | Size Range |  |  |
|---|---|---|---|
| Interceptor | in. | cm | Cost |
| DH-1 | 27-36 | 69-91 | 2,650 |
| DH-2 | 8-12 | 20-30 | 450 |
| DH-3 | 12-21 | 30-53 | 1,210 |
| DH-4 | 10-15 | 25-38 | 670 |
| DH-6 | 10 | 25 | 790 |
| DH-7 | 10 | 25 | 720 |
| DH-8 | 10 | 25 | 620 |
| OR-1 | 8-12 | 20-30 | 240 |
| VT-2 | 10-30 | 25-76 | 1,630 |
| VV-1 | 24-27 | 61-69 | 800 |

### 3.2.5 Significant Agricultural Lands

Page 176, add to the end of paragraph 4:

It should be noted that with the completion of the Southwest Jefferson County Floodwall the prime farmland in the Mill Creek study area will no longer be in the 100-year floodplain.

### 3.2.6 Inventory of Historic Places

Add the following paragraph and Table 45a to Section 5.3.1 after the subsection on Cultural History, page 195.

#### Historic Places

The Kentucky Heritage Commission in Frankfort, Kentucky, was consulted for the locations of cultural and historic sites in the Mill Creek study area. There are three properties listed on the National Register of Historic Places, six properties whose nomination to the National Register has been approved by the Kentucky Historic Preservation Review Board, and fifteen properties surveyed but not nominated to the National Register (Table 45a). None of the sites listed in the National Register would be affected by any of the alternatives. Three of the nominated sites and seven of the surveyed sites would possibly be affected by one or more of the regional system alternatives (Table 45a) due to their proximity to the preliminary interceptor routes. Potential impacts from construction activities could be mitigated during final design by routing interceptors away from these sites. If the final interceptor routes are close to historic sites, construction acitivities could be modified to mitigate their impact on the sites.

### 3.2.7 Legislative/Regulatory Summary

A revised Table 5 is provided.

### 3.2.8 Locations of Phase II Samples

A revised Figure 18 is provided and retitled, "Monitoring Sites."

### 3.2.9 MSD's Schedule of Activities for Scenario 3

A revised Figure 5 (Appendix A) is provided.

## TABLE 45a. HISTORIC PLACES IN THE MILL CREEK EIS STUDY AREA

### Sites listed on the National Register of Historic Places

JF 13 Farnsley - Moorman House
10900 Lower River Road

JF 14 Pusey - Aydelotte House
6814 Bethany Lane, Valley Station

JF 25 Lewiston Place
4902 Ranchland

### Sites nominated to the National Register

JF 38 Farnsley House
4816 Cane Rum Road

JF 70 Fenley House
5300 Block Rayburn Road

JF 72 Jones House
4998 Valley Station Road

JF 75 Waverly Hills Tuberculosis Sanitorium
8101 Dixie Highway (a)

JF 76 Waverly Hills Annex
8101 Dixie Highway (a)

JF 77 Waverly Hills Staff Building
8101 Dixie Highway (a)

### Surveyed sites

JF 10 Westpoint Lumber
13501 Dixie Highway

JF 15 Hourse House
Lower River Road at Ashby Lane (b)

JF 19 House
Smith Lane

JF 20 Bethany Methodist Church
11000 Dixie Highway (a)

JF 22 Valley Christian Church
9621 Dixie Highway (b) (c)

JF 24 J.B. Hawes Store
Dixie Highway at Upper Hunters Trace (a) (c)

| | |
|---|---|
| JF 34 | J.M. Nicholson House<br>2417 Lower Hunters Trace |
| JF 37 | House<br>Dover Road (c) |
| JF 41 | House<br>Camp Ground Road north of Riverside Gardens |
| JF 43 | Schenck House<br>Crums Lane (c) |
| JF 44 | House<br>Off Kramers Lane |
| JF 45 | House<br>3615 Kramers Lane |
| JF 46 | House<br>4213 Camp Ground Road |
| JF 71 | Valley School<br>Deering Road and Valley Station Road |
| JF 74 | Jackey Homestead<br>4105 East Pages Lane (a) (b) (c) |

---

(a) Potentially affected by Alternative 7a, 7b, or 7c.

(b) Potentially affected by the 201 Alternative.

(c) Potentially affected by Alternative 8.

## TABLE 5. LEGISLATIVE/REGULATORY SUMMARY

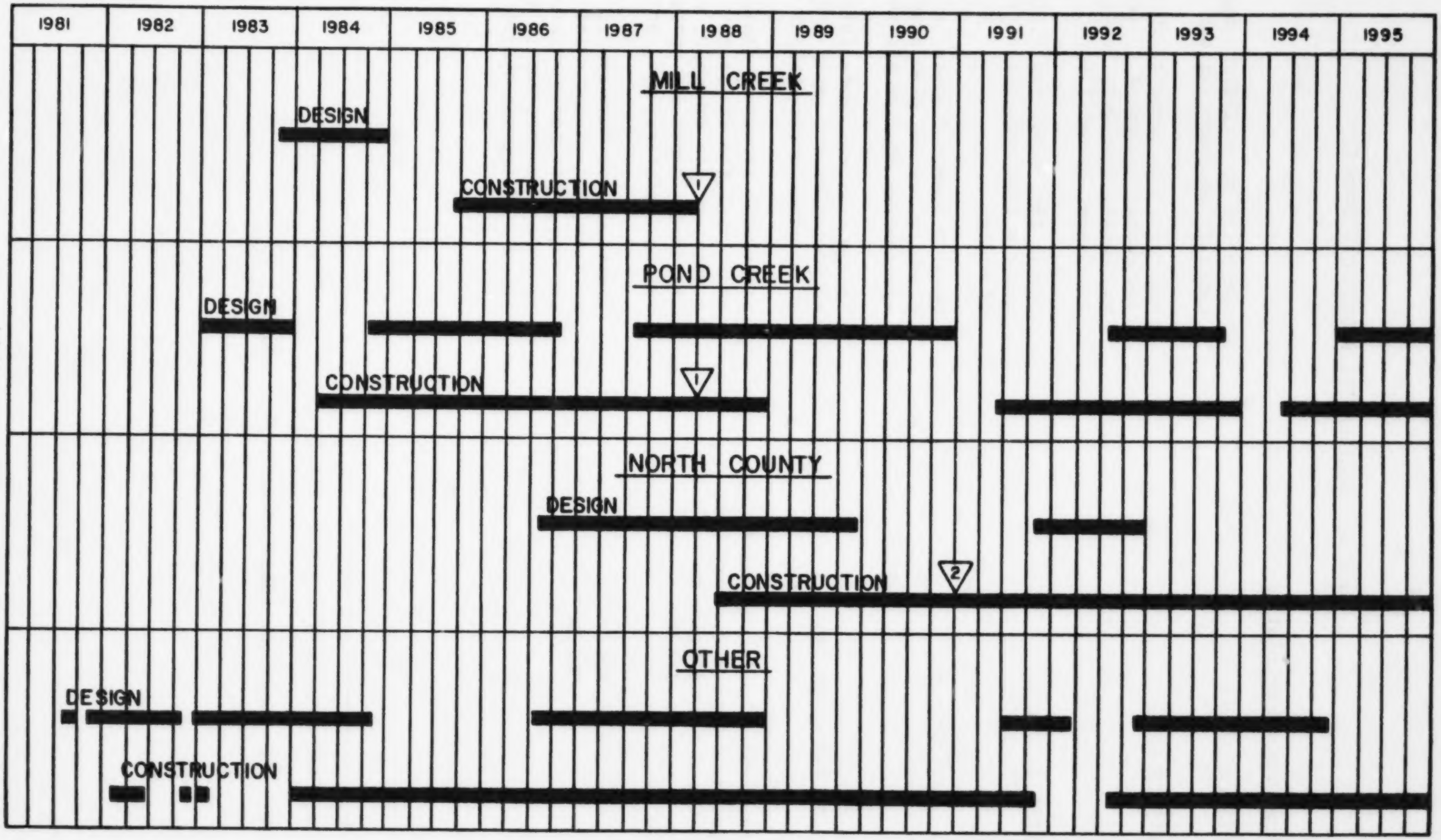
| Legislation/Regulation | |
|---|---|
| KRS (a) CH 94 | Authority to establish, operate and maintain sewerage systems |
| KRS CH 107 | Municipal improvements including: wastewater treatment systems; Kentucky Wastewater Revolving Fund; Sewer Assessment Hardship Fund |
| KRS 224:220 to 224:237 | Septic tank servicing: licensing; vehicle tank requirements; disposal of wastes |
| KRS 318:30 and 318:31 | On-site sewage disposal systems: plumbing installation permits; alternative on-site systems |
| 815 KAR(b) 20:130 to 20:180 | Sewage systems: materials; methods of installation; tests and inspections; commercial septic systems |
| Louisville-Jefferson County Board of Health Sanitary Code Ch. 3 Sec. 303.501 to 303.805 | Wastewater treatment facilities: industrial facilities classifications: regulation fee schedule; operation standards; owner and operator responsibilities; effluent standards |
| Ch. 3 Sec. 304:401 to 304:407 | Individual or home sewage disposal systems; lot characteristics; allowable wastes; house sewer standards; grease trap requirement; septic tank standards; subsoil absorption system standards; privies |

---

(a) KRS--Kentucky Revised Statute

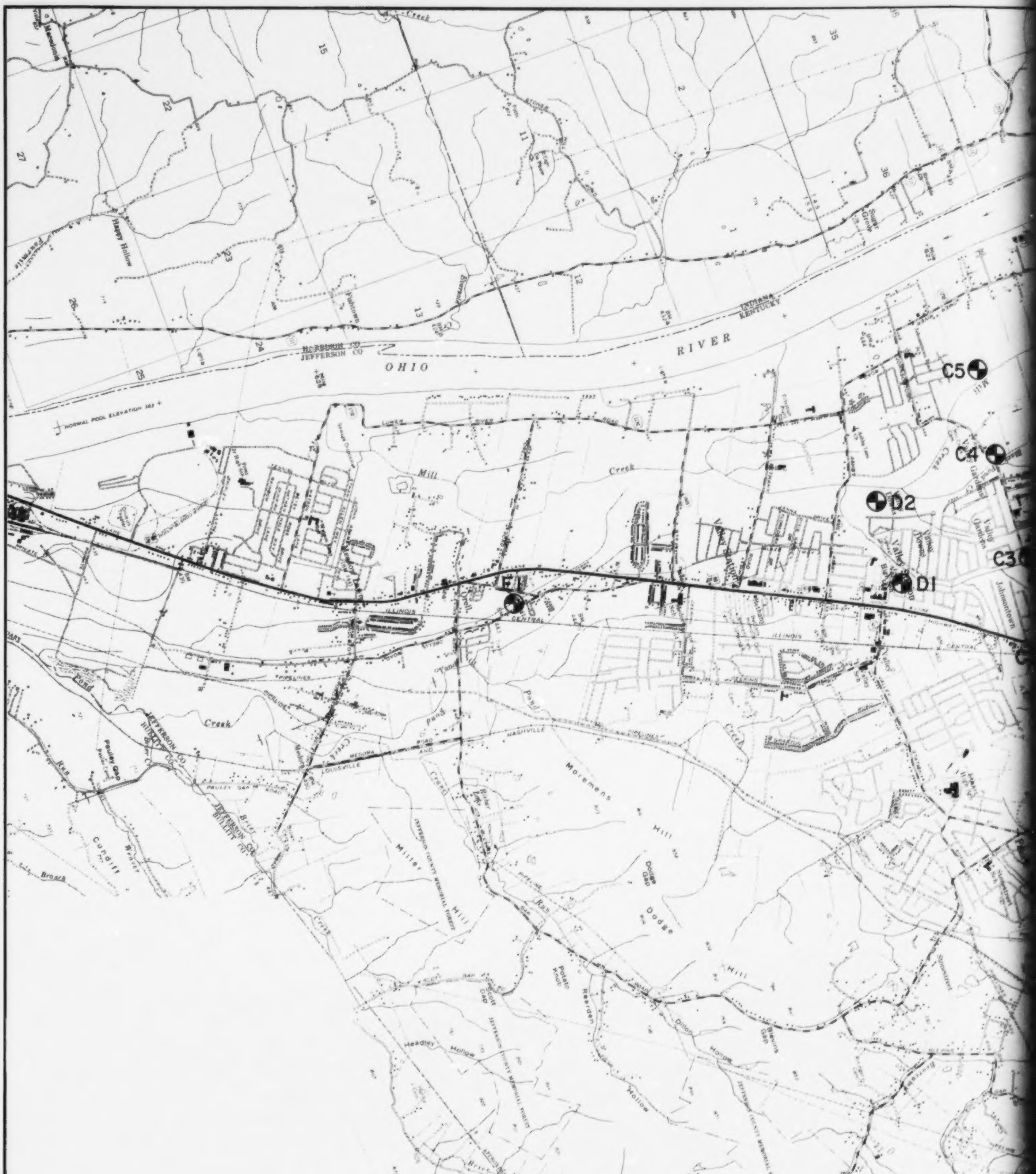
(b) KAR--Kentucky Administrative Regulations

FIGURE 5 MSD'S SCHEDULE OF ACTIVITIES FOR SCENARIO 3



▽1 WEST COUNTY TREATMENT PLANT ON LINE APRIL 1988.

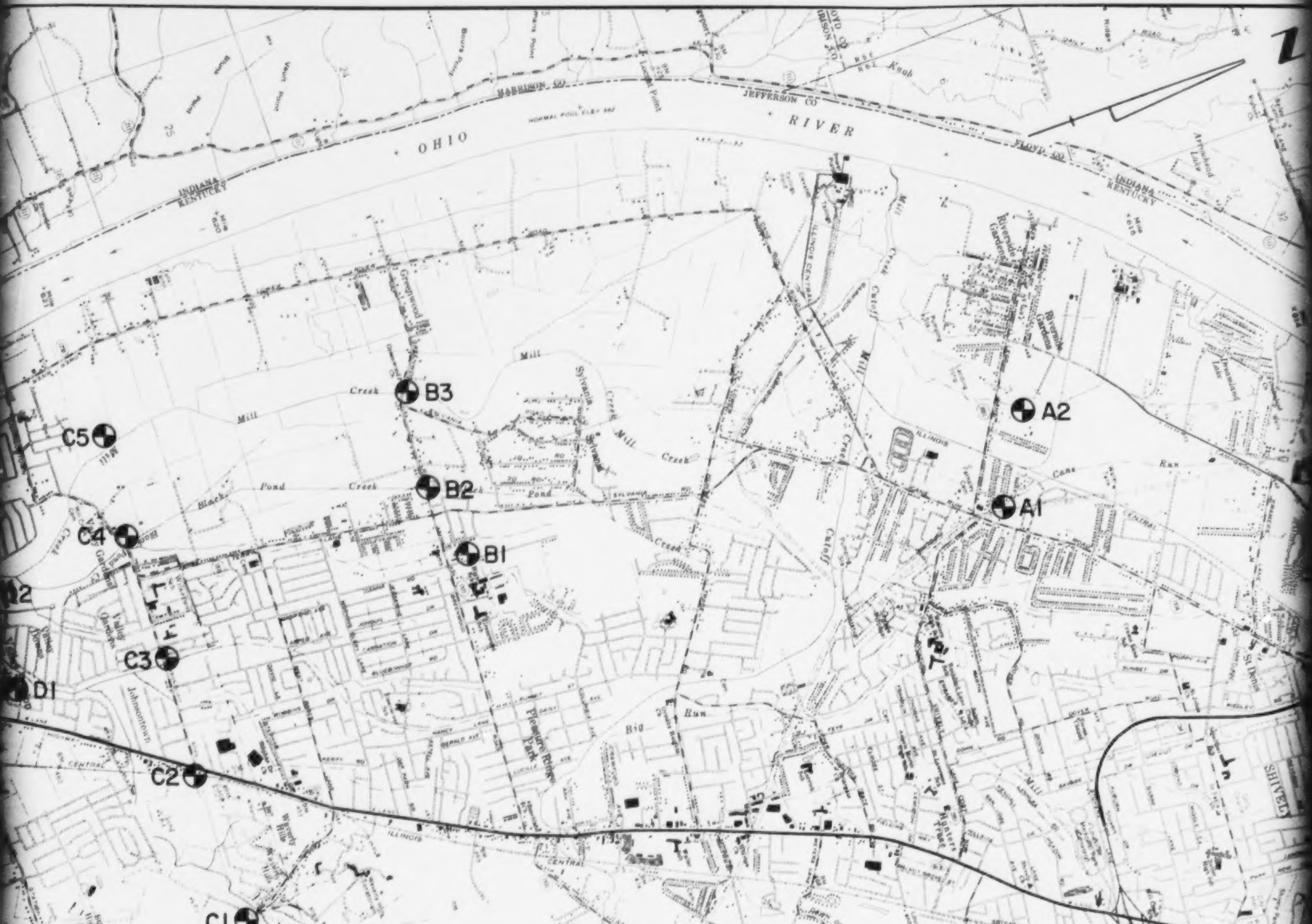
▽2 NORTH COUNTY TREATMENT PLANT ON LINE SEPTEMBER 1990.



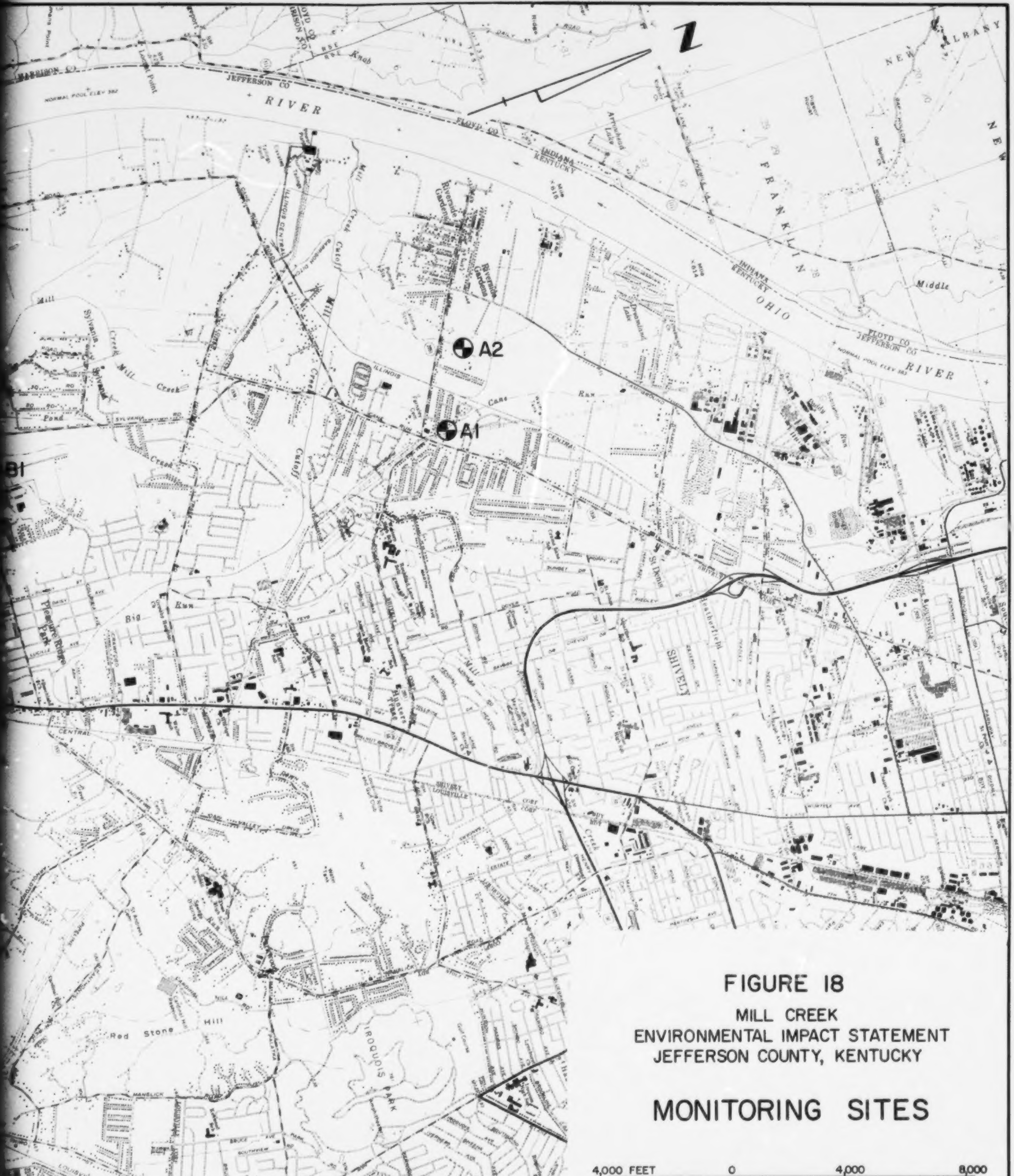
C5
C4
D2
C3
D1
OHIO
RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
NORMAL POOL ELEVATION 383
Mill
Creek
ILLINOIS
CENTRAL
LOUISVILLE
AND
NASHVILLE
Pond
Creek
Moremens
Hill
Dodge
Hill
Dodge Gap
Miller
Hill
Happy Hollow
JEFFERSON CO
BULLITT CO
Pauley Gap
Cundiff
Headley
Hollow
Dillon
Hollow
Samuel
Potato Knob
Scott Gap
Reardon
Brier Creek
JEFFERSON COUNTY MEMORIAL FOREST
15
22
27
14
23
26
13
24
25
11
12
2
35
36

A

49


OHIO RIVER
INDIANA
KENTUCKY
HARRISON CO
JEFFERSON CO
FLOYD CO
Mill Creek
Black Pond Creek
Big Run
Cane Run
Pleasure Ridge Park
Johnsontown
Valley Gardens
Riverside Gardens
Red Stone Hill
IROQUOIS PARK
ILLINOIS CENTRAL
A1
A2
B1
B2
B3
C1
C2
C3
C4
C5
D1
ENVIRON
JEFF
MON
4,000 FEET
1,200 METERS
U. S.

B


A2
A1
B1
OHIO RIVER
FRANKLIN
NEW ALBANY
INDIANA
KENTUCKY
FLOYD CO
JEFFERSON CO
Mill Creek Cutoff
Mill Creek
Cane Run
Big Run
Pleasure Ridge Park
St Denis
SHIVELY
IROQUOIS PARK
Red Stone Hill
Middle
4,000 FEET
0
4,000
8,000
1,200 METERS
0
1,200
2,400

# FIGURE 18

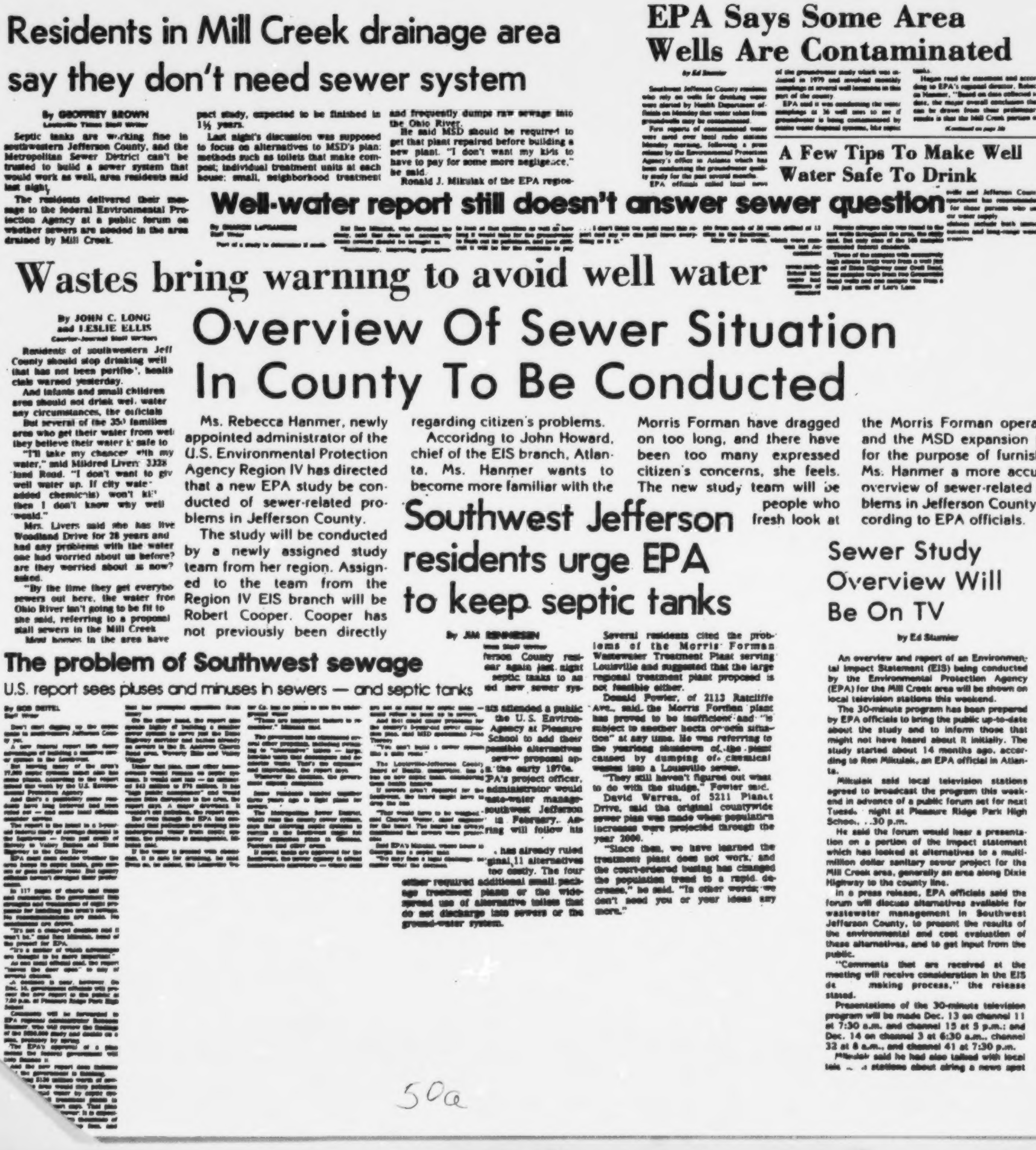
MILL CREEK
ENVIRONMENTAL IMPACT STATEMENT
JEFFERSON COUNTY, KENTUCKY

## MONITORING SITES

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION IV ATLANTA, GEORGIA

C

# CHAPTER 4



## Residents in Mill Creek drainage area say they don't need sewer system

By GEOFFREY BROWN
Louisville Times Staff Writer

Septic tanks are working fine in southwestern Jefferson County, and the Metropolitan Sewer District can't be trusted to build a sewer system that would work as well, area residents said last night.

The residents delivered their message to the federal Environmental Protection Agency at a public forum on whether sewers are needed in the area drained by Mill Creek.

pact study, expected to be finished in 1½ years.

Last night's discussion was supposed to focus on alternatives to MSD's plan: methods such as toilets that make compost; individual treatment units at each house; small, neighborhood treatment

and frequently dumps raw sewage into the Ohio River.

He said MSD should be required to get that plant repaired before building a new plant. "I don't want my kids to have to pay for some more negligence," he said.

Ronald J. Mikulak of the EPA region-

## EPA Says Some Area Wells Are Contaminated

## A Few Tips To Make Well Water Safe To Drink

## Well-water report still doesn't answer sewer question

## Wastes bring warning to avoid well water

By JOHN C. LONG
and LESLIE ELLIS
Courier-Journal Staff Writers

Residents of southwestern Jeff
County should stop drinking well
that has not been purifie', health
cials warned yesterday.

And infants and small children
area should not drink wel. water
any circumstances, the officials

But several of the 350 families
area who get their water from wel
they believe their water is safe to

"I'll take my chances with my
water," said Mildred Livers 3328
land Road. "I don't want to giv
well water up. If city water
added chemicals) won't ki'
then I don't know why well
would."

Mrs. Livers said she has live
Woodland Drive for 28 years and
had any problems with the water
one had worried about us before?
are they worried about us now?
asked.

"By the time they get everybo
sewers out here, the water from
Ohio River isn't going to be fit to
she said, referring to a proposal
stall sewers in the Mill Creek

Most homes in the area have

## Overview Of Sewer Situation In County To Be Conducted

Ms. Rebecca Hanmer, newly appointed administrator of the U.S. Environmental Protection Agency Region IV has directed that a new EPA study be conducted of sewer-related problems in Jefferson County.

The study will be conducted by a newly assigned study team from her region. Assigned to the team from the Region IV EIS branch will be Robert Cooper. Cooper has not previously been directly regarding citizen's problems.

Accoridng to John Howard, chief of the EIS branch, Atlanta, Ms. Hanmer wants to become more familiar with the

Morris Forman have dragged on too long, and there have been too many expressed citizen's concerns, she feels. The new study team will be

people who
fresh look at

the Morris Forman operati
and the MSD expansion pl
for the purpose of furnishi
Ms. Hanmer a more accur
overview of sewer-related p
blems in Jefferson County,
cording to EPA officials.

## Southwest Jefferson residents urge EPA to keep septic tanks

By JIM [illegible]

ferson County resi-
ear again last night
septic tanks to an
ed new sewer sys-

attended a public
the U.S. Environ-
Agency at Pleasure
School to add their
possible alternatives
sewer proposal ap-
n the early 1970s.
PA's project officer,
administrator would
aste-water manage-
southwest Jefferson
in February. Ap-
ring will follow his

. has already ruled
ginal 11 alternatives
too costly. The four

other required additional small package treatment plants or the widespread use of alternative toilets that do not discharge into sewers or the ground-water system.

Several residents cited the problems of the Morris Forman Wastewater Treatment Plant serving Louisville and suggested that the large regional treatment plant proposed is not feasible either.

Donald Fowler, of 2113 Ratcliffe Ave., said the Morris Forman plant has proved to be inefficient and "is subject to another hecta or oda situation" at any time. He was referring to the yearlong shutdown of the plant caused by dumping of chemical wastes into a Louisville sewer.

"They still haven't figured out what to do with the sludge," Fowler said.

David Warren, of 5211 Planet Drive, said the original countywide sewer plan was made when population increases were projected through the year 2000.

"Since then, we have learned the treatment plant does not work, and the court-ordered busing has changed the population trend to a rapid decrease," he said. "In other words, we don't need you or your ideas any more."

## The problem of Southwest sewage

### U.S. report sees pluses and minuses in sewers — and septic tanks

By BOB DEITEL
Staff Writer

## Sewer Study Overview Will Be On TV

by Ed Stumler

An overview and report of an Environmental Impact Statement (EIS) being conducted by the Environmental Protection Agency (EPA) for the Mill Creek area will be shown on local television stations this weekend.

The 30-minute program has been prepared by EPA officials to bring the public up-to-date about the study and to inform those that might not have heard about it initially. The study started about 14 months ago, according to Ron Mikulak, an EPA official in Atlanta.

Mikulak said local television stations agreed to broadcast the program this weekend in advance of a public forum set for next Tues. night at Pleasure Ridge Park High Scho... ..30 p.m.

He said the forum would hear a presentation on a portion of the impact statement which has looked at alternatives to a multimillion dollar sanitary sewer project for the Mill Creek area, generally an area along Dixie Highway to the county line.

In a press release, EPA officials said the forum will discuss alternatives available for wastewater management in Southwest Jefferson County, to present the results of the environmental and cost evaluation of these alternatives, and to get input from the public.

"Comments that are received at the meeting will receive consideration in the EIS de making process," the release stated.

Presentations of the 30-minute television program will be made Dec. 13 on channel 11 at 7:30 a.m. and channel 15 at 5 p.m.; and Dec. 14 on channel 3 at 6:30 a.m., channel 32 at 8 a.m., and channel 41 at 7:30 p.m.

Mikulak said he had also talked with local tele... stations about airing a news spot

## 4. PUBLIC COMMENTS AND EPA RESPONSES

### 4.1 Oral Comments

Oral comments on the Draft EIS were received at a public hearing held on November 17, 1981 at the Pleasure Ridge Park High School Auditorium. This section contains the transcript of the hearing including introductory statements made by EPA representatives and their consultant, together with EPA's responses. Table 8 is an index to the oral comments and EPA's responses, and Table 9 summarizes the general subjects mentioned by each commentor.

TABLE 8 . INDEX TO PUBLIC HEARING COMMENTS ON MILL CREEK DEIS

| COMMENT CODE | PAGE(S) | COMMENTOR | NATURE OF COMMENT |
|---|---|---|---|
| MSD-1. | 72 | Louisville and Jefferson County Metropolitan Sewer District | Costs for new MSD customers |
| MSD-2. | 72-73 | Louisville and Jefferson County Metropolitan Sewer District | Financial Impact Analysis assumptions of rate adjustments |
| MSD-3. | 73 | Louisville and Jefferson County Metropolitan Sewer District | Sewer Assessments |
| MSD-4. | 73 | Louisville and Jefferson County Metropolitan Sewer District | MSD aquisition of treatment plants and sewer districts |
| MSD-5. | 73 | Louisville and Jefferson County Metropolitan Sewer District | EPA Funding |
| MSD-6. | 73-74 | Louisville and Jefferson County Metropolitan Sewer District | Further EIS studies |
| MSD-7. | 74 | Louisville and Jefferson County Metropolitan Sewer District | County sewerage priorities |
| LJCBH-1. | 77 | Louisville-Jefferson County Board of Health | Support for Alternative 7c |
| LJCBH-2. | 78 | Louisville-Jefferson County Board of Health | EPA funding availability |
| LJCBH-3. | 78 | Louisville-Jefferson County Board of Health | Support for Alternative 7c |

(TABLE 8 . CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | NATURE OF COMMENT |
|---|---|---|---|
| FE-1. | 80 | Francis Engdahl | Preference for on-site systems |
| LH-1. | 81-82 | Leo Harrod | Opposition to sewers |
| CB-1. | 83 | Carl Brown | Support for Alternative 7b |
| CB-2. | 83 | Carl Brown | Nature of the sub-soil in Southwest Jefferson County |
| CB-3. | 84 | Carl Brown | Absence of need for sewers |
| EE-1. | 84-85 | Eleanor Engdahl | Support for Alternative 7b |
| CM-1. | 85 | Mrs. Clyde Mims | Opposition to sewers |
| JH- | 86 | James Headon | Costs for new MSD customers |
| JH-2. | 88 | James Headon | Opposition to sewers |
| WB-1. | 89 | Walter Braden | EPA funding |
| KH-1. | 90 | Ken Heil | Costs for new MSD customers |
| EP-1. | 91-92 | Ed Parker | Untreated wastewater discharges |
| GP-1. | 92-93 | George Pendleton | Sewer assessment charges |

## TABLE 9 . SUMMARY OF ORAL COMMENTS

| | | COSTS | PREFER ON-SITE/ OPPOSE SEWERS | EPA POLICY | FIA | SUPPORT 7B | SUPPORT 7C | SOILS | ILLEGAL DISCHARGES |
|---|---|---|---|---|---|---|---|---|---|
| 1. | Louisville and Jefferson County Metropolitan Sewer District | 2 | | 3 | 2 | | | | |
| 2. | Louisville-Jefferson County Board of Health | | | 1 | | | 2 | | |
| 3. | Francis Engdahl | | 1 | | | | | | |
| 4. | Leo Harrod | | 1 | | | | | | |
| 5. | Carl Brown | | | 1 | | 1 | | 1 | |
| 6. | Eleanor Engdahl | | | | | 1 | | | |
| 7. | Mrs. Clyde Mims | | 1 | | | | | | |
| 8. | James Heador | 1 | 1 | | | | | | |
| 9. | Walter Braden | | | 1 | | | | | |
| 10. | Ken Heil | 1 | | | | | | | |
| 11. | Ed Parker | | | | | | | | 1 |
| 12. | George Pendleton | 1 | | | | | | | |

UNITED STATES OF AMERICA

ENVIRONMENTAL PROTECTION AGENCY

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In the Matter of:                     :
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Environmental Impact statement on     :
                                      :
Proposed Waste Water Facilities for   :
                                      :
the Mill Creek Area of Southwest      :
                                      :
Jefferson County, Kentucky.           :
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Hearing Room,
Auditorium, Pleasure Ridge Park
High School,
5901 Greenwood Road,
Pleasure Ridge Park, Kentucky.
Tuesday, November 17, 1981.

The above-entitled matter came on for hearing, pursuant to notice, at 7:40 P.M.

BEFORE:

ANDREW ROBERT GREENE, ESQ., Assistant Regional Counsel, Environmental Protection Agency, Region 4, Atlanta, Georgia

ALSO APPEARING:

Ron Mikulak, Esq., EIS Project Officer.

Mike Williams, ESQ., Chief of the Kentucky-North Carolina Construction Grant Section of the EPA Water Division, Region 4.

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CERTIFICATE

This is to certify that the following proceedings before the Environmental Protection Agency, United States of America, in the matter of: Draft of Environmental Impact Statement on proposed waste. water facilities for the Mill Creek Area of Southwest Jefferson County, Kentucky, were had as herein appears, and that this is the original transcript thereof for the files of the Board.

RUTH GENTRY OFFICIAL REPORTER

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## P R O C E E D I N G S

**HEARING OFFICER BOB GREENE:** Good Evening.

Now I call the hearing to order please.

Welcome to the public hearing on the Draft Environmental Impact Statement on proposed waste water facilities for the Mill Creek Area of Southwest Jefferson County,Kentucky.

I'd like to begin this evening by introducing the hearing panel.

My name is Bob Greene. I'm the Assistant Regional Counsel for the Environmental Protection Agency, Region 4.

With me also from EPA this evening on my right is Ron Mikulak, who is the EIS Project Officer for this particular project, and on my left is Mike Williams who is the Chief of the Kentucky-North Carolina Construction Grant Section of EPA's Water Division in Region 4.

I understand there are also several local officials who are present this evening who are not part of the hearing panel but are here either to participate in, or to observe these proceedings.

I'd like to recognize these people at this time. I understand State Senator William Quinlan is here, and also State Representative Elect Bill Lyle.

Thank you gentlemen for attending tonight.

The purpose of this evening's hearing is to receive public and other agency's comments on the waste water management proposal contained in the Mill Creek Area Draft Environmental Impact Statement.

This EIS is being prepared on waste water facilities proposed in the 201 facilities plan prepared for the Louisville Jefferson County Area by the Kentuckiana Regional Development Agency.

The preparation of this EIS is authorized by the Clean Water Act and the National Environmental Policy Act, NEPA. The Clean Water Act enables EPA to fund up to 75 percent of the eligible costs for the planning, design and construction of waste water facilities. The planning phase of this process results in the preparation of a facilities plan. In this instance, the Kentuckiana Agency was designed as the local agency responsible for facilities planning in this area and the Louisville-Jefferson County Metropolitan Sewer District, MSD, was charged with the responsibility for implementing the 201 plan proposal.

The National Environmental Policy Act requires Federal Agencies to prepare an Environmental Impact Statement for major Federal actions significantly affecting the quality of the human environment. Because of the environmental complexities and water quality issues involved in this project, EPA made the decision to prepare an EIS on the

201 facilities plan.

Accordingly, in September 1977, the notice of intent to prepare an EIS was issued. Pursuant to the guidelines of the President's Counsel on Environmental Quality and the Rules and Regulations of the Environmental Protection Agency, with regard to preparation of impact statements, this public hearing is being held to receive comments on the draft of the EIS.

This draft and facilities plan are being discussed in a public forum to encourage public participation in the Federal decision making process and to develop public understanding of Federally funded projects.

In this regard, the draft EIS was made available to the public and EPA's Office of Federal Activities on September 18, 1981, and was listed in the Federal Register on September 25, 1981. The draft EIS comment period will extend until December 4, 1981. The comments received during this evening and during the comment period following will become part of the record.

Before we receive testimony from the floor, Mr. Mikulak will provide us with a brief summary of the project,

MR. MIKULAK: Thank you. Good Evening. My name is Ron Mikulak, the EIS Project Officer and what I would like to do this evening before we do receive testimony from the floor, as Mr. Greene mentioned, is to provide you with a brief summary of the Mill Creek Area draft environmental impact statement.

What I would like to cover in my remarks this evening include the purpose of the EIS, a little bit about project background, the alternatives that were generated during the EIS process, the EIS preferred alternative, recommendations that have come out of the EIS, and finally the EIS financial impact analysis.

The purpose of the EIS as I have indicated on the slide is to identify and evaluate waste water management alternatives in the Mill Creek Area of Southwest Jefferson County, and as you all know the Mill Creek Area of Southwest Jefferson County, is noted in the yellow area on the slide before you.

The end product of the EIS process is a determination of the appropriate Federal role for the funding of proposed waste water facilities and I stress the word, Federal role. This is a Federal project that addresses EPA's role in the funding of facilities and therefore, excuse me, comes from the Federal perspective. In looking at the community of the Mill Creek Area, we're looking specifically at that portion of the community, that residential community that is now served by septic tanks, the commercial establishments that are located primarily along the Dixie Highway corridor that are served by various forms of on lot systems, the sewered

areas, that are served by small package plants, small treatment plants, and service sewer service to the Louisville-Jefferson County River Port Authority.

By way of reviewing project background, I would first like to refer to the Clean Water Act. The focus of the Clean Water Act was toward improving the Nation's waters, specifically under Section 201 of the Clean Water Act, EPA was provided with the authority to fund waste water facilities under the construction grant program. As indicated, EPA funds are made available for the planning, the design and the construction of waste water facilities. In order to meet the mandate of Section 201 of the Clean Water Act, States designate local planning agencies to prepare a 201 facilities plan. In the case of Louisville, the Kentuckiana Regional Planning and Development Agency, otherwise known as KIPDA, was charged with the responsibility for preparing the 201 plan and the Louisville and Jefferson County Metropolitan Sewer District was charged with implementing the recommendations from that plan.

In 1974, the Water Quality Management Plan was completed and included in the recommendations for the Mill Creek Area was that all small sewage treatment plants would be abandoned and on lot systems, septic tanks, that served urban areas, would be eliminated. These two sections of the community were then to be served by a new west county sewage treatment plant, that would discharge treated waste water into the Ohio River.

It might be a little bit difficult for you to see the details of this map, but on it we've sketched out the physical configuration; that is, the treatment plant location, and the network of interceptor lines that were included in the 201 Plan recommendation. The interceptors are those lines that are slightly, in slightly heavier bold lettering in the interior portion of the study area, might be slightly difficult for you to see, but on the handout that we have provided you, we have highlighted those areas in very rough form so you have an idea of the lines that we are talking about.

In 1975, EPA and the Kentucky Department for Natural Resources and Environmental Protection, reviewed the Louisville 201 Plan and determined it to be substantially complete. This action paved the way for EPA to commit funds for the construction and design of several projects within the 201 study area.

In early 1977, concurrent with the design and construction of several of the construction projects, EPA received citizen requests to prepare an environmental statement on this particular project.

In September of 1977, EPA issued what we call a Notice of Intent prepare an environmental impact statement

and subsequent to the issuance of this Notice of Intent, we received numerous comments from local agencies and citizens' groups to consider or reconsider the scope of the EIS, and perhaps expand.

In January of 1978, the Southwest Jefferson County Home Owners Association, filed a lawsuit, filed suit in the U.S. District Count to enjoin EPA and MSD from further implementing the 201 plan, further required that the EIS cover each subjects as the River Port Industrial Complex, the West Jefferson County Treatment Plant, and the network of interceptor lines that were being constructed in Southwest Jefferson County.

In February of 1978, we held a public scoping meeting at the University of Louisville to receive comments from local agencies and from citizens groups in defining the proper scope and issues to be covered in the EIS. Those comments were considered and in May of 1978, EPA made the decision that the preparation of the EIS for the Mill Creek portion of the West County project in Southwest Jefferson County did warrant the preparation of an EIS because of several unresolved issues and significant controversies.

In rounding out a little bit of the project chronology, I have indicated that the draft EIS was issued finally in September of '81, today, there is a public hearing on the draft EIS and the final EIS which would respond to the comments that we receive tonight and through the comment period, is expected for completion early in 1982.

In stepping back a moment to those days in '77 and '78 when issues were being raised and scoping meetings were going on, many issues were raised by citizens groups. Many of the issues were not proper or appropriate for the EIS process but again many of them were.

What I've done is summarize what might be the three major issues that were raised in those days. Included are that area septic tanks, that are working fine and do not need to be replaced, that sewers through the regional sewer system would be a costly and unnecessary burden to area home owners, and public sewer service should not be provided to the River Port Inudstrial Park.

I'd like to go over the existing waste water management situation in the Mill Creek Area so you all have a - to put things in perspective, when I start discussing the alternatives and the preferred alternative.

Because of the unavailability of a centralized waste water management system in the Mill Creek Area, waste water management needs were met by a combination of septic tanks and small package plants. The need for the area was first met by on lot systems and in the Mill Creek Area, septic tanks seepage pits system is the one which prevails in order to take advantage of the area's fairly unique

geology and soil.

In the mid '70's, as greater restrictions were placed on septic tank-use in Jefferson County, the number of septic tanks - the number of new septic tanks that were being installed in the area, decreased and were being replaced by small package plants that treat waste water and discharge that waste water into the small area streams.

So what we find ourselves with today is a combination of say over 20,000 septic tanks and seepage pit systems and numerous small package plants of various sizes with an aggregate flow of about two millions per day.

On the map before you, it shows a general idea of what that situation looks like. The areas colored in yellow are areas that are sewered, typically subdivisions, and served by a small package plant. The black dots on the map are the locations of these small package plants - the ones that are not associated with the yellow area are typically package plants that serve an institution or a school. Generally, the area that is not colored but is shown as white, is that portion of the community that is served by septic tank seepage pit systems or is currently undeveloped.

Now, the focus of the EIS process is one that centers around the development and evaluation of waste water management alternatives. In the Mill Creek EIS, we've developed a range of alternatives from the no Federal action alternative to a full regional system; and in developing and evaluating these alternatives, we've broken the community into three population components. Those folks that are currently served by septic tanks, those folks that are served by small package plants and those folks that are actually future population that are not served by anything right now.

I am going over six or seven alternatives now and these alternatives are described in a little bit more detail in Table 1 of your handout, but I am going to go through it very quickly because this is information that has been put out before and is contained in the draft EIS, and in fact if anyone has an interest in reviewing or receiving a copy of the draft EIS, I have provided several copies out by the front table so please pick one up as you leave this evening if you would like one.

But the first alternative I am going to review right now is Alternative 2 A. Briefly, it is one that would use most of the existing facilities in place; that is, the existing septic tanks, future populations would be relying on additional septic tanks, and we would be using the existing small sewage treatment plants that are now in place.

The map of Alternative 2 A is very similar to the Map of the existing waste water management situation that I showed earlier.

Alternative 2 B is very similar to 2 A. About the only difference is that we are looking at expanding some of the small sewage treatment plants to include that population that would normally be within the treatment plants natural drainage area. So we are also talking about using septic tanks for existing population and future population but expanding the size of some of the small treatment plants. This is shown on the map by the brown colored areas adjacent to the yellow colored area; the yellow denoting those existing service areas for the small treatment plants.

Alternative 6 is basically the 201 plan regional system and again in that alternative, we are looking at the connection of existing septic tanks systems and the connection of existing small treatment plants to the new West County Treatment Plant that is located near the corner of Orel Road and Lower River Road.

Alternative 7 A, 7 B, and 7 C, and let me take a moment to explain the difference between the A, B, and C, variations. Alternative 7 involves a limited regional system. The physical configuration or the physical location of the interceptors and treatment plant is the same for all of the alternatives under Alternative 7, the only difference being that the interceptors, or the sewer lines for Alternative 7 C would be larger than those for 7 A or 7 B. They would be larger because they would be sized to handle future populations.

Alternative 7 A involves a regional sewer or a limited regional sewer to service the Dixie Highway corridor. Existing septic tanks would remain on line; that is, they would not be connected to the sewers and we would be looking at an increased number of small sewage treatment plants in order to accomodate future population growth.

Alternative 7 B, also represents a regional sewer for the Dixie Highway Corridor, looking at expanded septic tank use to accomodate future population as well as a reduced number of small sewage treatment plants, reduced because most of the treatment plants, if not all, would be tied into the regional system and therefore to the West County Treatment Plant.

Alternative 7 C envisions regional sewers for the Dixie Highway Corridor, However, the sewers would be sized as the first phase of the regional system. That implies that subsequent phases would envision the connection of the existing septic tank users and future populations to those facilities.

Again, it might be slightly difficult for you to see the map of the 7 A, B, and C, as I mentioned before. The physical layout is the same. Roughly, and if you can refer to that particular page in your handout, it envisions an interceptor line that runs basically the length of Dixie Highway, with a line that juts out, as the figure is aligned right now would jut out from the bottom of Dixie Highway which would actually be east of Dixie Highway to pick up many of the small package plants that are east of Dixie Highway.

Alternative Number 8 - the first phase of Alternative Number 8 would be similar to the - a first phase of the Regional 201 system, the interceptors that would be proposed or that would be envisioned, would be similar to the 201 Regional System, however, they would be sized and constructed only to serve the Dixie Highway Corridor and most of the small sewage treatment plants in the area, the subsequent phases again, would pick up septic tank users and future population.

The first phase of Alternative Number 8 is shown there as a scaled down version of the 201 Regional System and it could ultimately look like in fact the 201 Regional System which is Number 6.

And finally Alternative Number 9 which is termed no Federal Action alternative. No Federal action does not imply no action. Indeed, measures would have to be taken still to correct existing water quality and public health problems, however, these measures would be taken without Federal assistance, no Federal action. It would involve maintaining existing septic tanks and increasing the number of small treatment plants in the area in order to pick up future population.

Now during the evaluation process, several factors were determined to be significant in the decision process. I have listed these as being cost, the first one cost, the importance of cost cannot be over-stated, in fact in the EIS we've tried to look at Federal, Local and Community costs. To give you an idea of the magnitude of costs that we are talking about, the capital costs, or the construction costs of the Alternatives ranges from roughly $40 million dollars, to $154 million dollars.

Public acceptance, number 2. Public acceptance in this situation is viewed as being closely related to cost and inconvenience. With increasing costs and increasing inconvenience, resulting in public resistance.

Public Health. Public Health concerns in the Mill Creek Area relates primarily to the ground and surface water. It relates to the uses of these waters and to the potential for human contact with these resources.

Water quality. With regard to Water Quality in the Mill Creek Area, we are concerned with the impact of waste water disposal practices on both ground and surface water quality.

Significant impacts are those that are associated with an action that might adversely affect the existing or

potential use of these resources.

And finally, financial implentability. During the course of the EIS, several local agencies expressed concern over the impact of various EIS alternatives on the ability of MSD to implement the countywide sewer expansion plan. Rather than go over the evaluation results of these components, I have highlighted the costs and advantages and disadvantages of the alternatives with special emphasis on these categories in Table 2 of the handout which you are free to go over at your disposal.

What I would like to do now is concentrate on the preferred alternatives to the draft EIS. In the evaluations that I referred to a moment ago, led to the conclusion that the Regional System as proposed in the 201 Plan was not required at this time to correct the water quality and public health problems of the Mill Creek Area.

Alternative 7 B, therefore, has been selected as the most cost effective and environmentally sound alternative. Alternative 7 B proposes limited sewering with sewer service being provided to the commercial establishments located along the Dixie Highway Corridor. Sewer service provided to at least 18, if not all of the small package plants located in the area.

The residential community that is now served by septic tanks would remain on septic tanks. Again, the configuration of Alternative 7 B is shown before you.

The critical water quality problems in this area have been found to be caused by the discharge of inadequately treated waste water to the local streams by the small package plants and also the inability of the on-site systems to effectively treat waste water for the commercial establishments along Dixie Highway. Although the unsewered residential community does influence the quality of the area ground water, there does not appear to be significant deterioration of the ground water to warrant the consideration of this being a high priority area for the construction of a regional sewer system.

The recommended action therefore involves the balance between the expenditure of large amounts of public and private money and the limited impact of continued septic tank use on the area ground water.

Now, the action that is proposed, as the preferred alternative in the EIS should be regarded in light of several what we call important factors.

First, the study area comprises a small portion of Jefferson County, that is not currently served by regional sewers. There is a demonstrated need to build the West County Treatment Plant to relieve the crucial situation in the Pond Creek Drainage area.

Waste water management activities carried out in

any part of Jefferson County should be part of a feasible comprehensive program, and finally, unlike most of Jefferson County, the subsurface in the Mill Creek Area allow most waste water management needs to be satisfied by on-site systems.

The basis for the decision. I'd like to run over these very quickly. I think they provide you with the information you need to understand the reasons for EPA's decision of selecting Alternative 7 B.

First, existing ground water has been determined to be suitable as a treated drinking water source. However, existing ground waters generally are not suitable as an untreated drinking water source.

Residential on-lot systems are functional and do not constitute a public health hazard. There are no known plans to use the Mill Creek area ground water as a public water source. Public water is available in close proximity to most users of untreated ground water in the area.

The construction impacts of Seven B are significantly less than those of a regional system. A limited regional system provides service to the major waste water problem areas and the costs of Alternative 7 B are significantly lower than a regional system as evidenced by the difference of $104 million dollars in capital costs and $58 million dollars in present worth cost.

Now, in addition to the physical configuration of

Alternative 7 B, we have also included several recommendations in the draft EIS. I'd like to go over those briefly.

First, its important to note that the proposed action for the Mill Creek Area must be assigned a priority, for implementation in the context of the needs in the Jefferson County's overall waste water management plan. In placing the Mill Creek area draft EIS preferred alternative in perspective with these other waste water management problems, it becomes clear that other projects should proceed as quickly as possible, and in setting these priorities, future options for the Mill Creek Area residential on-lot systems, should indeed remain flexible.

The factors that do need to be considered in determining future needs for waste water management planning as we've indicated in the draft EIS, includes the development of or a future likelihood of adverse public health impact resulting from septic tank failures.

The occurrence of significant functional or operational failures of septic tanks, rising ground water levels that could adversely affect septic tank operation.

The establishment of a local plan for use of ground water as a public water supply source where existing on-lot operations could preclude such a use and significant adverse land use impacts caused by constraints from the established or proposed waste water managemnnt operations.

Another EIS recommendation concerns well water use. Because of the low use level of area ground water as a public ground water supply source and the quality of the area ground water as determined by the EIS ground water program, EPA encourages localagencies to extend wherever possible public water service to those Mill Creek residents not now served by public water. The estimate is that a project such as this would cost roughly 1.2 million dollars.

In cases where services cannot be extended, the ground water quality monitoring program could include special emphasis on monitoring areas that would rely on ground water for public water supply use.

Under any circumstances, that is, no matter what alternative is finally implemented in this area, private water supply users should be encouraged to disinfect area ground water prior to consumption. Where area ground water is being consumed by infants, special precautions should be taken to preclude the long term consumption of ground water high in nitrates. It is recommended therefore that area ground water not be used for infant feeding but either public water or bottled water be substituted, and private water supplies being used for infant feeding, should be routinely checked for nitrates to insure that the concentrations are sufficiently low to avoid adverse health effects.

There is one area of the project that I haven't yet covered. That concerns the River Port. As noted River Port is one of the issues raised by citizens, that is, sewer service, the provision of sewer service to River Port.

The interest that EIS has in River Port is not addressing River Port as an industrial park - not whether River Port should or should not be constructed, but concern ourselves with waste water management options, and EPA's role in providing waste water management for the River Port Industrial Park.

As most of you are aware, River Port is located in the area shaded in red on the map and is located in the Mill Creek EIS study area.

In looking at the waste water management options available to River Port as we see it, they include that waste water could be conveyed to MSD as was proposed in the 201 Regional system.

Waste water could be handled by River Port by a central River Port treatment facility or waste water could be handled by each industry that would locate at River Port.

The various alternatives were evaluated with respect to cost, technical feasibility, environmental impact and EPA funding eligibility.

Without getting into a lot of detail it came

down to a matter of two factors, EPA policy and EPA regulations which dictate our actions in River Port.

First, with respect to EPA policy. There is a policy on the books. It is called EPA's policy to protect environmentally significant agricultural land. River Port is located on 1600 acres. Most of this land has been classified by the Soil Conservation service as environmentally significant agricultural land, even though the lands have been zoned for industrial use.

Our policy states that we should not contribute or encourage the irreversible conversion of our nation's agricultural land to other uses.

Now more importantly concerning funding eligibility and our regulations. EPA's construction grants regulations state that the costs for waste water facilities to serve exclusively or almost exclusively industrial flow is not EPA grant eligible. That means EPA cannot provide funds for those components.

These two factors led us to the decision that EPA cannot support the extension of service, sewer service, to River Port through EPA's construction grant program.

And finally a word about the EIS financial impact analysis. As I mentioned during the course of the EIS, preparation of EIS, many local agencies expressed concern over the impact of EIS alternatives on the ability of

MSD to implement the overall sewer expansion program for Jefferson County.

In responding to these concerns, we have expanded and included a financial impact analysis, component of EIS, that addresses the impact of several EIS alternatives on MSD, on MSD customers and on residents of the Mill Creek area.

Now, in a moment or two I'd like to ask Mr. David Sheridan of the consulting firm of Gannett, Fleming, Corddry and Carpenter to elaborate on the results and conclusions of the financial impact analysis. But before I do that, I'd like to offer a special word of thanks and appreciation to two groups who are involved in the EIS. At the outset of the EIS, some four years ago, we established two review groups. A Technical Review Group and a Citizens Review Group, The Technical Group was composed primarily of local and state agencies with either an interest or some involvement in the project at hand.

The Citizens Review Group was composed of citizens who were on citizens review groups, environmental groups, general interest groups, and represented a cross section of interest in the community. During the course of the EIS, we met with these review groups several times, countless times. I'd like to thank these people who served on the groups for their assistance, the time and effort that

they have spent in reviewing materials and talking with us at the various meetings that we had and for their general interest and involvement in the project.

I am about finished with my brief remarks. I'd like now to introduce David Sheridan. As I mentioned, he is with the consulting firm of Gannett, Fleming, Corddry and Carpenter. During the preparation of the EIS, we contracted with two consultants to assist in the technical details of the EIS. David represents one of the firms. The other firm was the consulting firm of Claude Terry and Associates, who also assisted us. At this time I will turn it over to you, David.

MR. SHERIDAN: The focus of the financial impact, now, as Ron said, the purpose was to determine the effects on MSD customers and also specifically the residents of the Mill Creek Area of a fairly broad spectrum of waste water management alternatives. We carried this out by examining the cash flow prospective for MSD to carry out a broad range of alternatives.

The first cash flow analysis was called Scenario. One dealt with a full regional system for the Mill Creek area. The regional system would feed to a West County treatment plant sized at 45 million gallons per day and the sequence of construction in MSD's service area or expansion for MSD would be to complete the Mill Creek activities, the complete sewering of Mill Creek and thengo on to the second phase of the Pond Creek sewering and then go on from there to North County.

The Second Scenario is very similar to the first in that it involves a complete regional system for the Mill Creek area, but it puts it in a different spot in the sequence, Pond Creek sewering proceeding before the Mill Creek activities and then followed up by North County and then again the West County treatment plant would be of the same size, 45 million, mgd.

Scenario Three assumes that no public sewers would be provided in the Mill Creek Area, none whatsoever, no system other than what would develop there without the activities of a central agency. A West County treatment plant in this case would be sized at 30 mgd, at least for the first phase and the sequence of construction for other MSD activities would be to complete Pond Creek Phase Two and then move on to North County and then complete Pond Creek Phase Three, so you can see that no Mill Creek activities occur under Scenario Three.

Scenario Four is also a no-public action alternative for the Mill Creek Area. Here we are testing the effects of a different size treatment plant, a 45 mgd treatment plant with Pond Creek Phase Two North County Phase Three, and North County Phase Two, following up in the construction sequence.

The Fifth Scenario involves a limited action in Mill Creek, again a 45 mgd treatment plant at West County and the sequence being to complete Pond Creek Phase Two and then to build the limited sewers described by Alternative 7 A or 7 B in the Mill Creek Area, and then to go on to North County and back to Pond Creek and North County, to finish out those systems. This limited Mill Creek Activity would involve sewers sized only for the current need with no sewers for future growth that would put the future growth either on septic tanks or small treatment plants.

And finally, the Sixth Scenario is very similar to the Fifth except here the Mill Creek activities would have sewers designed at the outset for picking up all future growth, that is the sewers would serve the critical need along the Dixie Highway and then all future growth in the Mill Creek area would feed to those sewers, but the existing residences would not be altered.

Each one of these scenarios implies a certain construction activity on a certain schedule and these construction expenditures on the schedule going out into the 1990's were imposed on a cash flow model developed by MSD and they produced the results that you will see here.

The first result is to take a look at the impact of the various alternatives on MSD service charges. Now, this is the charge projected for the average residential user of the system and it is system wide, not just the Mill Creek System, and as you can see we have the six scenarios shown in different colors and about the only thing I can say about it is they are all pretty much the same, that is, that anyone of the six scenarios will produce about the same impact on MSD service charges, for the average residential customer. There are small differences among them from one year to the next but we don't feel that these are significant.

Scenario Five is the EIS preferred alternative.

We also examined the other side of the - financial impact other than the impact on the user is the impact on the agency and that impact we measured by determining the bonding requirements that MSD would face under each one of the alternatives. Now you can see here that this graph is not nearly as smooth as the other one but if you would analyze the total bonding requirements for each of the alternatives they come up to be pretty much the same during the study period. Neither one of these findings should be particularly startling because each one of those scenarios, each one of those six scenarios, has MSD expanding at about the same rate, whether they are expanding in Pond Creek or whether they are expanding in Mill Creek or North County, the construction is going on at about the same number of dollars per year.

What we have is a project starting up on different types of calenders so you see this jumpy effect in the bonding requirements but in the long term through the year 1995, the bonding requirements are pretty much the same for each one of the alternatives for each one of the scenarios.

We also projected the typical private system user charge compared with the typical MSD user charge and showed something that also should not be startling, that is, that the private systems, or the smaller systems are going to cost more than the large public systems and the reason for this is pretty much in the economy of scale, the larger systems can benefit their customers by spreading costs across a larger base. This is a graphic showing of a projection of a typical small treatment plant in the Mill Creek area with its service charges inflated at a rate of 8.3 percent per year and MSD service charges projected out through the cash flow model which also had that same inflation factor imposed into it.

Another matter that we examined was what is the least costly alternative for future residences, would it be hooking to public sewers, would it be on-site systems consisting of septic tanks and seepage pits, or small area treatment plants or would it be on-site aerobic units and what we found as this graph indicates is that for a house constructed in 1989 a new residence, and we choose 1989, because that's the date at which the Mill Creek or the Mill Creek portion of it MSD system would exist if it were to be built, we find that the cost projected out to the year 1995 for each one of those alternatives shows that the future residence would be most inexpensively served by septic tanks and seepage pits and also again, not surprisingly, the public sewer systems for future residences would be less expensive than a private or I should't say private, than would be a smaller system, simply again because of economy of scale.

So, what we came down to were some conclusions that I am sure you can feel that I have been leading up to. First of all, that across the broad range of activities in the MSD system as a whole in Jefferson County and also particularly in Mill Creek that there really is not much of a difference in financial impact, as reflected in either revenue raising requirements for MSD or a cost to the user. But again I stress that that shouldn't be surprising to us because the construction activities wherever they are occurring are going along at about the same rate under all of the scenarios.

Secondly, that public sewers are less costly than the current private system as we project those costs out into the future.

And finally, that on-site systems consisting of

septic tanks and seepage pits are least expensive for serving the needs for waste water management in the future residential units.

So that concludes the finding. The financial impact analysis formed an Appendix to the Draft EIS, and I think a few of the copies are available here, and I'll give it back to you, Mr. Greene.

MR. GREENE: Thank you very much, Ron, and David. I know I certainly benefited by seeing all that kind of sketched out.

Before we receive comments, I'd like to remind you to register at the front desk if you haven't already done so, so that we have a complete attendance list. Also, if you wish to speak this evening, please indicate, there's a place to indicate that on the little yellow registration card.

In order that anyone who would like to speak is given an opportunity to do so, you are requested to limit your testimony to approximately five minutes. If you have a written statement or a prepared text, we would very much like for you to submit it, a copy of that to the panel to enable us to follow your remarks more closely and also to insure that your remarks are accurately included in the record.

Members of the hearing panel may ask questions of the persons presenting oral statements when its felt necessary to clarify the nature or the substance of the comments being made, however, I would ask that the audience not ask questions of the people who make the comments nor should questions be asked of the hearing panel. The reason for this is not to foreclose discussion but merely the purpose of this hearing is for us, as the hearing panel, to receive comments from the individuals involved. As we proceed with the hearing, I'll call on speakers in the order in which you registered and I think is reflected in the order of which I have the yellow cards. Elected officials and representatives of Federal, State, and Local agencies, will however, be called upon first. Before you make your statement, please identify yourself by name and if appropriate, the group or organization that you represent, and please do go to the podium which is located on the table in the middle of the room, you know, as you make your comments to insure that your comments are recorded on our tape as well as the Court reporter's tape.

Would either State Senator Quinlan or State Representative Elect Lyle, like to make a statement at this time?

SENATOR QUINLAN: Not at this time.

MR. GREENE: All right, sir, are there any other elected officials whom I didn't recognize earlier who would like to be recognized or make a statement?

OK, then, I'll first call upon Mr. John Tierney of the Metropolitan Sewer District.

MR. TIERNEY: Thank you.

When I was a young fellow going to school, they used to say enuciate and articulate so I will attempt to do so.

MSD has reviewed the Mill Creek Draft EIS containing EPA's recommended alternative plans.

To put that alternative plan in perspective, let's look at the bottom line first.

MSD-1 The total capital cost will be approximately $525 million dollars, including approximately $50 million dollars already expended.

The number of new customers served by the recommended plan is projected to be approximately 46,700. This would result in capital costs for each new customer of almost $11,250. Now, what's behind those figures?

The recommended plan assumes that MSD will be the agency to implement the program. What other assumptions are made?

MSD-2 We must analyze not only the assumptions but MSD's capability to perform within those assumptions. The recommended plan assumes that MSD can increase its rates to all customers, present and future, by whatever amount and whenever it is necessary to meet the financial needs of the program.

MSD-1. Response to this comment requires explanation of the origin of MSD's figures.

The capital cost was derived from comparing total project capital expenditures through 1995 for the entire MSD expansion program ($496 million) (which includes the Mill Creek selected alternative) to capital expenditures associated only with expansion projects currently under contract ($21 million). Added to this difference is $50 million in capital funds already spent, for a total of $525 million. This is a projected expansion cost for Mill Creek and other areas served or to be served by MSD.

The number of new customers (46,750) was obtained by subtracting the number of "equivalent customers" projected for 1995 without the expansion program (293,218) from the number projected for 1995 with the expansion program (339,959). The FY 1982 equivalent customer base is 288,298. The phrase "equivalent customers" has a limited relationship to the actual number of users, accounts, or homeowners, and includes commercial and industrial users. The number of equivalent customers is determined by dividing projected revenue by a service charge per equivalent customer, a charge that is based on a water-use rate of 6,500 gallons per month.

MSD then divided $525 million by 46,750 to obtain $11,250 in capital costs per new customer. This result can be misleading for several reasons.

First, the $11,250 would be a cost per new equivalent customer. Second, this cost would not be borne entirely by new customers. Assessments to properties would be made only for collection sewers, with the costs of other system components paid by all MSD users. In addition, federal funding would be available for a significant portion of the project costs.

Several people appear to have interpreted Mr. Tierney's comments to mean that new MSD customers would be required to pay $11,250 for connection to the MSD system; this conclusion is erroneous.

MSD-2. MSD rate adjustments were assumed for all alternatives in order to compare the financial impact of each alternative. Since essentially similar rate adjustments would be required under any of the alternatives, the comparison of alternatives is valid regardless of the difficulty of changing MSD's rates.

MSD-2 This assumption overlooks the fact that MSD cannot unilaterally increase its rates or issue revenue bonds without the approval of both the city and the county.

MSD-3 The cost of the collector sewers is assumed to be financed by assessments against all benefited properties including properties now served by on-lot disposal systems except those in a specific geographical area *west of Dixie* Highway.

What about the other properties served by on-lot systems? Will the sewer benefit that property? Can the cost be legally assessed in light of EPA's determination that on-lot disposal systems in other areas of Jefferson County are acceptable means of waste water disposal?

MSD-4 The financing plan assumes that MSD can acquire all existing waste water treatment plants without compensation to the owners. This issue has not been resolved despite lengthy litigation.

The assumption is also made that MSD can take over the Okolona Sewer Construction District. This would require execution of a proposed agreement by the Okolona Commission.

MSD-5 75 percent of EPA funding is assumed throughout the life of the project until 1995, for all capital costs except collector sewers. Is this a valid assumption?

MSD-6 EPA concludes that it will not conduct additional

MSD-3. EPA has not determined that on-lot disposal systems are acceptable in other areas of Jefferson County. Properties that were to be served by sewers were assumed to be assessed for those collectors.

MSD-4. If compensation to treatment plant owners or sewer districts becomes necessary because of court decisions or special agreements, then this assumption would need to be revised. This would not affect the conclusions of the EIS, because 1) the package plant costs are likely to be minor in relation to other costs and 2) the current analysis would be biased in favor of the regional system, which replaces the most number of package plants.

MSD-5. Amendments to the Clean Water Act signed by the President in December, 1981, will reduce federal funding to 55 percent after September 30, 1984. The 75-percent assumption was valid at the time the Financial Impact Analysis was run. Revising this assumption should not affect the conclusion of this EIS, becuase the current analysis is biased in favor of those alternatives with the greatest construction--e.g., the 201 Plan.

environmental impact studies in Jefferson County.

MSD-6 What assurances can EPA give that this will reoccur?

Obviously, these questionable assumptions, coupled with the financial and legal uncertainties in the recommended plan must all be satisfactorily resolved before that plan can be initiated by anyone.

MSD-7 MSD is merely the designated management agency to implement the sewer program. We believe the entire community should decide once and for all whether or not it wants the sewer expansion program and if so, what that program should be. The 201 plan process with public participation could address all the issues cited above. In fact, a revised 201 plan appears to be called for since EPA's recommended alternatives, is a distinct deviation from the 201 plan originally approved by this community. That's all. Thank you, Mr. Greeno.

MR. GREENE: Thank you, Mr. Tierney.

I'd next like to call on Patricia Nightingale of the Jefferson County Board of Health.

MS. NIGHTINGALE: I am Patricia Nightingale, representing the Louisville-Jefferson County Board of Health.

In 1964, Jefferson County developed a Master Plan for a county-wide sanitary sewage collection and treatment system. This was done a full eight years before Congress

MSD-6. EPA's position on the rest of the expanded service area is already being implemented: An EIS is being prepared on the North County Area, and a negative declaration has been issued for Pond Creek, where sewer design and construction is underway.

MSD-7. The question of priorities for sewer construction in Jefferson County is a decision to be made by state and local officials.

passed Public Law 92-500, the Clean Water Act. This Act set the same goals for the nation that Jefferson County had set in 1964 of cleaning up its streams and underground water and maintaining them in an environmentally acceptable condition.

Jefferson County welcomed the passage of Public Law 92-500 and in 1974, presented a Water Quality Management Plan, 201 plan, to EPA for consideration. Jefferson County's plan was accepted by EPA and except for minor changes, the plan was essentially the same as the 1964 Master Plan.

Jefferson County felt that it was on its way to establishing a community wide system that would serve for the disposal of all residential, commercial and industrial liquid waste. The Plan would eliminate or bring under control all surface and subsurface polluting discharges identified in Jefferson County. Late in 1977, however, EPA directed that an Environmental Impact Statement be conducted to determine the need for sewers in the Mill Creek Watershed.

Three years and one-half a million dollars later, this EIS reports facts already known to Jefferson County participants in the 201 study. That report tells us that the Dixie Highway Corridor is suffering from numerous malfunctioning septic tank systems and that raw sewage is exposed to the atmosphere creating potential serious health hazards. It also informs us that the Southwest aquifer is polluted with nutrients and human pathogens to the extent that it should no longer be used as a source of untreated drinking water. Further, the report advises that the drinking of this water may have serious consequences for infants due to the excess nitrate pollution. We are advised that surface streams are in even worse condition than the underground water, due to the package wastewater treatment plants that discharge into this waterhsed.

The report notes that over the next 20 years, over 75 percent of the septic systems in the Mill Creek watershed will have outlived their designed life expectancy and will need to be replaced. The replacement of these 14,000 systems, at an estimated $2,000 each, will cost the citizens $28 million. The expenditure of these monies will not improve polluting conditions of this watershed, but will simply replace existing polluting systems with another polluting system.

Having recognized the pollution problems of the Mill Creek Waterhsed, EPA has recommended that a construction alternative be undertaken which does not clean up, or protect the underground water, but may in fact, continue or even increase the pollution of this watershed. The recommendation does not remove all of the package plants discharging into intra-county surface water.

The Louisville and Jefferson County Board of

Health has long supported the county-wide sewage collection and treatment system concept, alternative 8 of the EIS. This alternative, originally approved by EPA, would eliminate the very pollution problems documented in the Mill Creek EIS. The Board, however, recognizes the current adverse economic conditions of this community and the nation, and, therefore acknowledges that a compromise position may be necessary. The alternative recommended by EPA prevents the county from providing relief in the future when sewers will probably be needed. This is because an undersized sewer system will be constructed under alternative 7 B. The Louisville and Jefferson County Board of Health would urge, therefore that an attenuated version of alternative 7 C be considered as a compromise position. This Alternative would limit the immediate construction of the collection system to the Dixie Highway Corridor as proposed in Alternative 7 B. The attenuated version of Alternative 7 C, however, would provide sizing of the collection which would allow future extension into developed areas.

LJCBH-1

It is inconceivable, with the facts as documented in the EIS, that EPA could choose an alternative that dooms the natural resources in Jefferson County to continued degradation and even recommends further degradation.

An attenuated Alternative 7 C, if implemented, while maintaining cost figures far lower than those for

LJCBH-1. EPA does not oppose a local decision to proceed with a sewer system sized for alternative 7c. Any commitment of federal funds, however, would be based on alternative 7b, the most cost-effective alternative.

alternative 8, would not preclude Jefferson County from complying at some time in the future with the mandate from Congress as set out in Public Law 92-500.

Concerns of Louisville and Jefferson County Board of Health of Draft Mill Creek EIS recommendation.

LJCBH-2 One. Will sewer line extensions that are needed to eliminate all package wastewater treatment plants in the Mill Creek Watershed be eligible for EPA funding?

LJCBH-3 Two. With EPA's recommendation of alternative 7 B, the Louisville and Jefferson County Board of Health requests EPA to establish another alternative for consideration, attenuated 7 C, as presented in the Board of Health's response.

(Lines 8 through 15 inclusive, is an addendum of original statement presented by Ms. Nightingale and were received after the transcript was orignally prepared.)

MR. GREENE: Thank you very much, Ms. Nightingale.

Are there anyother representatives of local agencies that would wish to speak at this time?

(No response)

If not, I'd like to call on Mr. Francis Engdahl as our next speaker.

MR. ENGDAHL: Ladies and gentlemen, I am Francis Engdahl, I live at 6229 Bethany Lane in Southwest Jefferson County and am speaking for the Southwest Home Owners

LJCBH-2. Only those plants identified in alternative 7b for connection to the sewer system would be eligible for funding. These are the only plants for which connection to the sewer system is cost-effective.

LJCBH-3. EPA does not oppose a local decision to proceed with a sewer system sized for alternative 7c. Any commitment of federal funds, however, would be based on alternative 7b, the most cost-effective alternative.

Association, Inc.

Growth is not necessarily good or desirable.

Many times growth creates more problems than it solves. Before Jefferson County plans a population growth it needs to address the problems it has now to determine:

1. Do we have adequate facilities for our present population?

2. When the projected growth of thousands is added what kind and size of new facilities are needed plus the costs of such facilities.

Out big problem at the present time is our road system. We waste time and energy, pollute the air and have accidents far above the normal rate. When the Riverport is operational, our problems will increase. The reasons our growth rate is held in check are the roads, dissatisfaction with the bureaucrats, courts and politicians along with the Health Department's decision to limit the use of septic tanks and package treatment plants. The advocates of regional sewage systems point with pride the population growth in an area after their systems are operational. The truth is that normal growth is hampered by regulations that limit reasonable development. The bureaucrats must have their way.

We do not believe that our on site sewage disposal is as big a polluter as the Metropolitan Sewer

District. The sewer system in Louisville is antiquated and will be very expensive to upgrade to minimum standards.

Many of our members believe it is the need for more customers to help pay for Louisville's sewer problems which is behind Metropolitan Sewer Districts desire to take over our area.

They do not believe MSD wishes to help the suburban areas only to make us help pay. They take the attitude that our areas is where septic tanks work best and yet wish this area to be the first to be sewered. This way the area which least needs sewers will have the greatest costs.

There is no objection to have sewer trunk lines to service the high density commercial zones. We realize that on site sewage disposal is limited to low density population.

FE-1

We agree that sewer lines are needed for some areas but for our low density area our on site disposal is better than the performance of the Metropolitan Sewer District. Thank you.

MR. GREENE: Thank you, Mr. Engdahl.

I'd like next to call on Mr. Leo Harrod.

MR. HARROD: Mr. Chariman, my name is Leo Harrod. I live at 5035 Terry Road and I represent AARP, a retired Senior Citizens Group that meets once a month.

I'm happy to report tonight that our septic

FE-1. Comments noted. Under alternative 7b, only houses already connected to sewers would be served by the regional system.

tanks are working.perfectly.

I have a neighbor here, Mr. Headden, right here by me, that stopped by most every year and asked me, when are you going to have your septic tank cleaned out again?

And I said, you just done it 10 years ago, you don't want to do it every week, do you? (Laughter)

That's about the rate we've had it cleaned out and I have gone more than that, so, these senior citizens that I'm representing here with the proposal that has been made here by MSD, we would be at their mercy, to raise the rates and so forth, according to whatever their needs would be.

The majority of them would lose their homes.' That's what it would mean to them and surely, we don't want to put in something out here that would cause people, when they have reached the age of retirement, that they're going to lose their homes and would be set cut in the cold.

So that's just about what it would mean to thousands, not just four or five, in this area, and I have noticed that the elected officials downtown are anxious to get this because it would help them pay off their bonds that they've already issued, not because we need the sewers, but because they need the revenue, and we are very much opposed, LH-1 the people around my neighborhood, and the people that I am representing here tonight, for any sewers that we don't need

LH-1. Comment noted. Under alternative 7b, only houses already connected to sewers would be served by the regional system.

LH-1 and something we can't afford.

We still want to keep our homes and live in the area. Thank you very much.

MR. GREENE: Thank you, Mr. Harrod.

Would you care to give us a copy of your remarks so we can include those in the record?

MR. HARROD: I don't have any.

MR. GREENE: I see. You had a copy of the agenda for tonight. I thought you were reading. Thank you, sir.

At this time I'd like to recognize Commissioner Carl Brown, who I understand would also like to make a statement. Commissioner Brown.

MR. BROWN: Mr. Greene, Mr. Mikulak, Mr. Williams, I am pleased to be here tonight under these circumstances.

Like many of the people in Southwest Jefferson County, I have followed this issue for many years and I think at the threshhold it has to be remarked that we're glad you listened. Its apparent that you have, and it means a lot to me and it means a lot to the people of Southwest Jefferson County that the feelings, and the emotions, and the facts, and the logic, and the reasons that have been presented to the Environmental Protection Agency over the past several years has been incorporated into this report, and into this recommendation.

As an elected official, as a representative of

Southwest Jefferson County, I would like to state for the record again my support for Alternative labeled 7 B, that is recommended by the Environmental Protection Agency. CB-1

I think the primary reason, and I know that the remarks I am making now run in cross currents with the remarks other officials who made remarks tonight, and while I respect their opinion, I beg to differ and I do so I think from a position of information and from a position of reason.

The recommendation of the Environmental Protection Agency does a significant thing and what it does, it reflects the realities of our sub-structure, of our sub-soil. It reflects the realities that we have a natural filter system in Southwest Jefferson County, in the sub-structure of our land, that is not enjoyed by areas of Okolona, and areas of North Jefferson County. CB-2

The initial approach taken by the one wing of the Environmental Protection Agency pursuant to the Clean Water Act was to treat all areas of the county similarly. That was a mistake.

I think what we've seen tonight is recognition of that early mistake - and we all make them - and a report and a recommendation that allows for the differences in geology among various regions of the county.

To sum it up - if its not broken, why fix it? And I think that's what we've been hearing not only tonight

CB-1. Comment noted.

CB-2. EPA concurs with characterizing the alluvial sub-soil as unique relative to other parts of Jefferson County. EPA does not concur with characterizing the aquifer as a "natural filter system." Seepage pits effectively discharge directly to the sands and gravels of the alluvial aquifer and although some treatment may occur, the aquifer should not be considered a "natural filter system."

but what we have been hearing for years.

CB-3

Its no surprise that to hook on to the sewer system that's questionable at best, would create severe economic hardship for the affected residents. But that's not the primary reason not to do it.

The primary reason is as buttressed by the intense sutdies of professionals who've looked at it for the last several years that the need does not exist. I've studied the reports. I've reviewed the recommendations. Mr. Mikulak, I've talked to you in Atlanta bout this in your office. I support what you're doing. I appreciate what you're doing, and I want to thank you for what you're doing and I want to thank you for listening to the people of Southwest Jefferson County.

MR. GREENE: Thank you, Commissioner Brown.

I'd next like to call on Mrs. Eleanor Engdahl.

MRS. ENGDAHL: I'm Eleanor Engdahl. I live in Valley Station, Kentucky.

I picked up a magazine last night to thumb through. I had no idea it had an article on sewage, but, it has the title, "The modern sewer system outdated and illogical," so I think perhaps you gentlemen are farther

EE-1

ahead in your thinking than the MSD who wants to expand their sewage system and on behalf of the Southwest Jefferson County Homeowners Association, we thank you for that and

CB-3. The decision for alternative 7b does not reflect an absolute conclusion that "the need does not exist." It does reflect a determination that 7b is the most cost-effective and environmentally sound alternative for the planning period.

EE-1. Comment noted.

EE-1 suggesting 7 B.

MR. GREENE: Thank you, Mrs. Engdahl.

Mrs. Clyde Mims.

MRS MIMS: Thank you.

I don't have any prepared statement. I'm Mrs. Mims. I'm just a big mouth from my community of Slyvania off Terry Lane. We've kept up what has gone along with these sewers and we are very much concerned and we feel like we don't need them.

Now, I would like to almost echo what Mr. Leo Harrod said. I lived on the same property for 25 years. We built there and we dug our septic tank and we dug our well. I have our water periodically tested. In 20 years, I have never had my septic tank pumped. I have no problems whatsoever, and my water supply according to the Board of Health, tests perfectly fine. CM-1 I don't have any need for a very expensive sewer plan and the biggest part of the people of our community don't. Things are operating sufficiently and adequately and very possibly my statement right here might be out of order. I don't know. But, I just wanted to state for my community, as a citizen, I have a big mouth and I don't mind saying so. CM-1 We don't need them and we don't want them.

MR. GREENE: Thank you very much. I think as you probably all know its the big mouth of the community

CM-1. Comment noted.

that can accomplish some of the best things done in the last 10 years or so.

OK, Mr. James Headon, is it?

MR. HEADON: I have a question? I wasn't a person who intended to speak. I wanted to just sit here and listen. That's the reason the question mark was on the thing, but, one thing Jefferson County proposes here, about 18 years ago I bought a house. I gave $11,800 for it. Well, in another four or five years from now, if I live, I'm going to have that house paid for. But what puzzles me is, JH-1 they're talking about $11,000 for each home owner, to put a sewer in, and its going to take me some 20 years to pay for the house, my grandchildren will never get through paying for the sewer, to me its inflationary really. One thing I noticed among other things, is that they try to run the people too much, instead of letting the people run them, they run themselves.

The Government wants to act like we're all children. We're not all children. Everybody likes to breathe, and think, and everything for themself. Myself, I chose to be in the septic tank business. This is the reasons I have never came to the meetings as much as I want to because I wanted to stay out of it. I didn't want my opinions one way or the other, because the Health Department here in Louisville does a heck of a job. I've

JH-1. $11,000 is not an accurate estimate of a homeowner's assessment for connecting to a sewer system. Under alternative 7b, no homes on septic tanks would be connected to the sewer system, so there is no assessment charge.

worked with them a lot of occasions. I think the package treatment plants are doing a pretty good job. I think that some of them needs to be cleaned up. I think that there should be laws passed to make them do more than what they do, but the fact that bothers me is MSD, when they want a rate increase, they go to the Board of Alderman there in Louisville, and they ask for a rate increase they get their rate increase.

Nobody can say anything to them about it because the Board of Aldermen automatically gave them the rate increase.

Now I witnessed this about a year ago, I guess. They asked for a $40 a load rate increase. Well, they raised it almost 33 percent. We got an attorney and I believe it was 33 percentthat they raised it. At that the inflationary rate was so bad, the President was asking everybody to keep it at 8 percent, or small figures, but in Louisville, they decided to raise it 33 percent. But even at 33 percent, making us to pay to dump our loads, we still can pump septic tanks and take your septic tank systems cheaper than MSD can charge a person per month for a sewer, and to me, I think that sewers are eventually going to be shoved down our throat whatever, which I think the home owners in this area have gone against and fought a good battle, but I think the politicans and bureaucrats as they call them, all these

people who really don't care about the people, they are there to be seen and think they're above everybody else in some cases, but people should be able to think things
JH-2 out for themselves. People in this area don't want sewers. I run into them every day. I pump septic tanks every day. And the people don't, just positively don't want it. Like Mr. Harrod. I've been living there close to him for 17 years. I think I pumped his septic tank once or something like that and there's other people that does pump their septic tank more often than that. There's people that pump septic tanks every two or three years, but most of the time the ones that pump septic tanks every two or three years have got someone working on them that don't know what they're doing.

But the thing of it is when they run over, at least you've just got one system running over.

When MSD has a spillage in the river, they've got thousands of gallons; not thousands, but millions of gallons running over. I can't see the logic behind it. If somebody could show me the logic, I'd vote for the sewers. I'll do whatever is best for the community and whatever is best for the county and whatever is best for the country, because I love the country and I love it big, not because of just deer hunting because I love deer hunting too, but that's about all I have to say. I think you'll end

JH-2. Comment noted.

up shoving it down our throats eventually but we're going to kind of let you know we've been here.

MR. GREENE: Thank you very much, Mr. Headon. Let's see, Walter Braden.

MR. BRADEN: Walter Braden, 10024 Prairie, in Prairie Village.

WB-1

Here about three years ago, when all these things started my wife and I went out to a meeting of this group. We asked them at that time about Federal aid. There wasn't any, couldn't have any. It wasn't too long after that a thing came up at a community where Federal aid came up and they got it. If one can get it, why can't others? That's all I have.

MR. GREENE: Thank you very much for your comments, Mr. Braden.

Those are all the registration cards that I have that have indicated a desire to speak. Is there anyone else who would like to make a statement?

MR. KEN HEIL: My name is Ken Heil. Speaking on behalf of the Libertarian Party of Kentucky, who speaks out on government intervention, last night was probably very ironic when a spill occurred at Standiford Field and MSD had to flow raw sewage into the Ohio River, for approximately 15 hours as I understand. You know that's a few million gallons of raw sewage and the MSD is supposed to be

WB-1. The state determines the priority of projects for receiving federal sewer funds. The Financial Impact Analysis assumes federal funding would be available.

protecting us from environmental damage. Its kind of odd too, to hear Mr. Tierney's statement that MSD refers to the people who use their services as customers. Well, if I were to have a shoe store and I was to go out on the sidewalk and call people in and tell them, listen, you buy my shoes or you go to jail and pay a fine, they're not customers anymore. They're like slaves or serfs. Yet the MSD says they're their customers.

KH-1

Mr. Tierney also states that some 46,000 residents would have to pay a $11,000 sewer charge, if the Southwest is not included. That goes to show you right there that Southwest Jefferson County residents would be paying more than they should pay. They are really subsidizing the rest of the county. Its not fair to the Southwest. Just because we have good soil out here does not mean that we should subsidize poor soil somewhere else.

Mr. Tierney also cites certain legal and financial uncertainties as reasons that this plan should not be implemented right now. He also asked you, the EPA, to dispel these uncertainties right now before you implement any type of plan.

Well, what assurances can MSD give us that another sewer explosion would not happen again.

MR. GREENE: Thank you. Yes sir.

MR. PARKER: I am Ed Parker. I am also a member

KH-1. $11,000 is not an accurate estimate of a homeowner's assessment for connecting to a sewer system. Under alternative 7b, no homes on septic tanks would be connected to the sewer system, so there is no assessment charge.

of the Home Owners Association. I support Mr. Francis Engdahl's statement made earlier this evening on behalf of the homeowners.

A couple of points I would like to make is in light of the fact that we have, well, EPA, MSD and Health Department and this has been alluded to a couple of times in other statements and as we see it in the County, MSD has never properly managed the sewer system that it now controls. It is continually, especially in any kind of a storm situation, dumping raw sewage into the river.

I've read several reports, I don't have them with me this evening, that says the water contamination in the Ohio River above Louisville is not too bad. But its bad when you get beyond Louisville, which indicates Louisville, the city of Louisville in particular, is polluting the Ohio River. And yet one wonders why the Health Department would be concerned about septic tanks in Southwest Jefferson County when they are not concerned about the raw sewage being run through the City of Louisville into the Ohio River.

EP-1

You also note that from many reports that we have received that there are a number of businesses within the City of Louisville that don't actually run their sewage through the Treatment plant but run it directly into the Ohio River.

EP-1. EPA concurs that untreated wastewater discharged directly to the Ohio River should be considered a health problem. Such discharges are illegal (all surface water discharges require NPDES permits); unpermitted discharges should be reported to the Louisville and Jefferson County Health Department.

EP-1 I would add that that should be considered in most categories as a health problem.

What I am in essence saying is maybe there should be some kind of environmental study in the City of Louisville. That's all.

MR. GREENE: Thank you, Mr. Parker.

Mrs. Yvonne Ramswer? Mrs. Ramswer, did you want to make a statement?

(No response.)

She apparently does not. Is there anyone else who would like to speak? Yes?

MR. PENDLETON: My name is George Pendleton. I know a lot of the other people who got up here know a lot more about it than I do.

About eight years ago I lived where they had sewers and whenever we had a day or two or rain, the sewers would flood the streets and everything.

Now when we have rain out here our septic tanks don't overflow or anything. Our water is just as clean, if not cleaner, Nobody gets sick over our water. If our septic tanks overflow, nobody goes to the hospital about it.

People have bought the land and have worked many years, I know my parents and grandparents, they work
GP-1 all their life to pay for the land and when they come out

GP-1 and put in sewers they've got to pay more than what they paid for the land.

To me, I don't think its right, but thank you anyhow.

MR. GREENE: All right, thank you, Mr. Pendleton. Is there anyone else who would like to make a statement?

(No response.)

Well, again I'd like to remind you that the public hearing record will remain open until December 4th of 1981. All written comments received will be considered as part of the record, and should be forwarded to John Hagan, Acting Chief of the Environmental Assessment Branch.

Now, I'll read his address out too, for those of you who have the handout. Its - the address is at the bottom of the first page: EPA, Region 4, 345 Courtland Street, Atlanta, Georgia, 30365.

I wish to thank each of you for your participation in the public hearing tonight.

The comments that you have made and what we have received during this evening and during the comment period will be carefully considered, and responded to in the final Environmental Impact Statement.

This final EIS will consist of the Agency's final decision, a summary of the draft EIS, and any

GP-1. Under alternative 7b, no homes on septic tanks would be connected to the sewer system, so there is no assessment charge.

pertinent additional information or evaluations developed since the publication of the draft, revisions to the draft, comments received, and EPA's responses to those comments and the transcript of this hearing.

Those of you who commented tonight or submitted comments will receive a copy of the final EIS.

I just want to make this one personal note. I have always been committed to the principle than ar informed participating citizenry is the best sort of check, as well as a source of information, for those of us who - shall we say - are affectionately called bureaucrats. After all, you know we are charged by law with making certain decisions and believe it or not, none of us consider ourselves to be omniscient. We need your input. We need your comments. We may not always agree with them, but we do always consider them.

Again, thank you for your attendance and participation in the EIS process.

This hearing is adjourned, Good night.

(Whereupon at 9:15 P.M., Tuesday, November 17, 1981, the hearing in the above entitled matter was closed.)

## 4.2 Written Comments

Written comments on the Draft EIS were received through March 1, 1982. This section contains copies of those letters together with EPA's responses. Table 10 is an index to the written comments and EPA's responses, and Table 11 summarizes the general subjects mentioned by each commentor.

## TABLE 10. INDEX TO WRITTEN COMMENTS ON MILL CREEK DEIS

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| SHPO-1. | 109 | State Historic Preservation Office | 10/28/81 | Impacts to historic places |
| SHPO-2. | 110 | State Historic Preservation Office | 10/28/81 | Impacts to archaeological resources |
| COE-1. | 111 | U.S. Army Corps of Engineers | 11/09/81 | Southwest Jefferson County Floodwall |
| COE-2. | 111 | U.S. Army Corps of Engineers | 11/09/81 | Flood protection impacts on housing, population, and land use |
| COE-3. | 111 | U.S. Army Corps of Engineers | 11/09/81 | Flood protection impacts on agricultural land |
| ABS-1. | 114 | A.B. Schlatter | 11/19/81 | MSD aquisition of treatment plants |
| ABS-2. | 114 | A.B. Schlatter | 11/19/81 | Details of Alternative 7b |
| DHH-1. | 115 | Dorothy H. Hardesty | 11/20/81 | Support for sewers |
| DOI-1. | 116 | U.S. Department of the Interior | 11/23/81 | Impacts to recreation resources |
| DOI-2. | 116 | U.S. Department of the Interior | 11/23/81 | Impacts to historic and archaeological resources |
| DOI-3. | 116 | U.S. Department of the Interior | 11/23/81 | Department of the Army permits |
| DOI-4. | 116 | U.S. Department of the Interior | 11/23/81 | Impacts to mineral resources |
| CDC-1. | 117 | Centers for Disease Control | 11/30/81 | Impacts to groundwater |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| CDC-2. | 117 | Centers for Disease Control | 11/30/81 | Support for Alternative 7c |
| LJCPC-1. | 118-119 | Louisville and Jefferson County Planning Commission | 12/01/81 | EPA has undermined the 201 Sewer Expansion Program |
| LJCPC-2. | 119 | Lousiville and Jefferson County Planning Commission | 12/01/81 | EPA has undermined the 201 Sewer Expansion Program |
| LJCPC-3. | 119-120 | Louisville and Jefferson County Planning Commission | 12/01/81 | Septic tank policy |
| LJCPC-4. | 120 | Louisville and Jefferson County Planning Commission | 12/01/81 | EIS has added costs |
| LJCPC-5. | 120 | Louisville and Jefferson County Planning Commission | 12/01/81 | EIS has undermined development planning |
| LJCPC-6. | 120 | Louisville and Jefferson County Planning Commission | 12/01/81 | Preferred alternative is contrary to 201 Plan |
| LJCPC-7. | 120 | Louisville and Jefferson County Planning Commission | 12/01/81 | Preferred alternative is contrary to County Sanitary Code |
| LJCPC-8. | 120 | Louisville and Jefferson County Planning Commission | 12/01/81 | Preferred alternative is contrary to the Sanitary Code and the Comprehensive Plan |
| LJCPC-9. | 120 | Louisville and Jefferson County Planning Commission | 12/01/81 | Preferred alternative is contrary to Clean Water Act |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| LJCPC-10. | 121 | Louisville and Jefferson County Planning Commission | 12/01/81 | EPA decision reflects short-term cost perspective |
| LJCPC-11. | 121 | Louisville and Jefferson County Planning Commission | 12/01/81 | EIS has impeded 201 and 208 planning |
| LJCPC-12. | 121-122 | Louisville and Jefferson County Planning Commission | 12/01/81 | Supports variation of Alternative 7c |
| LJCPC-13. | 122 | Louisville and Jefferson County Planning Commission | 12/01/81 | Economic impacts; future development in Mill Creek |
| A-1. | 123 | Anonymous | 12/01/81 | Riverport wastewater treatment |
| A-2. | 123 | Anonymous | 12/01/81 | Costs to new customers |
| JCEPO-1. | 124 | Jefferson County Environmental Policy Office | 12/02/81 | EPA decision to prepare an EIS |
| JCEPO-2. | 124 | Jefferson County Environmental Policy Office | 12/02/81 | Costs of sewerage system; time needed for EIS preparation |
| JCEPO-3. | 125 | Jefferson County Environmental Policy Office | 12/02/81 | Financial impact analysis |
| JCEPO-4. | 125 | Jefferson County Environmental Policy Office | 12/02/81 | EIS process has resulted in increased costs |
| JCEPO-5. | 125 | Jefferson County Environmental Policy Office | 12/02/81 | EPA's decision does not protect groundwater |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| JCEPO-6. | 126 | Jefferson County Environmental Policy Office | 12/02/81 | EPA has "written-off" groundwater |
| JCEPO-7. | 126 | Jefferson County Environmental Policy Office | 12/02/81 | Septic tank recommendations; groundwater pollution |
| JCEPO-8. | 126 | Jefferson County Environmental Policy Office | 12/02/81 | Industrial recovery and expansion |
| JCEPO-9. | 127 | Jefferson County Environmental Policy Office | 12/02/81 | EIS has impaired the Countys financial ability to provide sewers |
| JCEPO-10. | 127 | Jefferson County Environmental Policy Office | 12/02/81 | EIS has impaired stream and groundwater clean-up |
| JCEPO-11. | 127 | Jefferson County Environmental Policy Office | 12/02/81 | EIS has devastating effects on future Mill Creek generations |
| JCEPO-12. | 127 | Jefferson County Environmental Policy Office | 12/02/81 | EIS has impaired employment opportunities |
| JCEPO-13. | 127 | Jefferson County Environmental Policy Office | 12/02/81 | EPA should reconsider its decision or work to mitigate the effects of decision |
| LWV-1. | 128-129 | The League of Women Voters | 12/03/81 | EPA's decision threatens groundwater quality |
| LWV-2. | 129 | The League of Women Voters | 12/03/81 | Supports a selection similar to Alternative 7c |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| LWV-3. | 129 | The League of Women Voters | 12/03/81 | Fate of small WWTPs under Alternative 7b |
| LWV-4. | 129 | The League of Women Voters | 12/03/81 | Cost of having cleam streams |
| LWV-5. | 129 | The League of Women Voters | 12/03/81 | Cost of stopping groundwater pollution |
| LWV-6. | 129 | The League of Women Voters | 12/03/81 | Worth of natural resources |
| LWV-7. | 129 | The League of Women Voters | 12/03/81 | EPAs recommendation vis-a-vis the Clean Water Act |
| MSD-1. | 131 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | EIS was approved before all financial information was sent to EPA by MSD |
| MSD-2. | 131 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Task reports are unavailable |
| MSD-3. | 131 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Sewer hook-up costs |
| MSD-4. | 131 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Inaccuracy in an EIS figure |
| MSD-5. | 131 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Impacts to streams and groundwater |
| MSD-6. | 131 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Cost of public water hook-up |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| MSD-7. | 132 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Errata |
| MSD-8. | 132 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Errata |
| MSD-9. | 132 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Septic tank/seepage pit lifetime |
| MSD-10. | 132 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Cost analysis |
| MSD-11. | 132 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Erratum |
| MSD-12. | 132 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Septic tank reliability |
| MSD-13. | 133 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Septic tank reliabiltiy |
| MSD-14. | 133 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Erratum |
| MSD-15. | 133 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Public acceptance |
| MSD-16. | 133-134 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Opposes sewers not sized for growth |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| MSD-17. | 134 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Errata |
| MSD-18. | 134 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Upgrading costs for small WWTP |
| MSD-19. | 134 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Errata |
| MSD-20. | 134 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Interceptor costs |
| MSD-21. | 135 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Affects of sewers not sized for growth |
| MSD-22. | 135 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Cost of public water hook-up |
| MSD-23. | 135 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Sewered are difficult and costly to move once they are in the ground |
| MSD-24. | 135 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Erratum |
| MSD-25. | 135 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Erratum |
| MSD-26. | 135 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Financial Impact Analysis |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENTOR | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| MSD-27. | 136 | Louisville and Jefferson County Metropolitan Sewer District | 12/03/81 | Erratum |
| KYDOT-1. | 138 | Kentucky Department of Transportation | 11/02/81 | Construction coordination |
| CRT-1. | 139 | Charles R. Tucker | 12/03/81 | Supports Altnative 7b |
| SC-1. | 140 | Sierra Club | 12/07/81 | Area is polluted from septic systems |
| SC-2. | 140 | Sierra Club | 12/07/81 | Costs of septic tank replacement |
| SC-3. | 140 | Sierra Club | 12/07/81 | Alternative 7b will not remove all small WWTPs |
| SC-4. | 140 | Sierra Club | 12/07/81 | Alternative 7b does not provide sewers for future growth |
| SC-5. | 140 | Sierra Club | 12/07/81 | Alternative 7b is not cost-effective |
| WQAB-1. | 141 | Water Quality Advisory Board | 12/04/81 | Groundwater Analysis |
| WQAB-2. | 142 | Water Quality Advisory Board | 12/04/81 | Future growth; groundwater modeling |
| WQAB-3. | 142 | Water Quality Advisory Board | 12/04/81 | Groundwater modeling |
| WQAB-4. | 142 | Water Quality Advisory Board | 12/04/81 | Surface water quality analysis |
| WQAB-5. | 143 | Water Quality Advisory Board | 12/04/81 | Surface water quality under the preferred altenative |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENT | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| WQAB-6. | 143 | Water Quality Advisory Board | 12/04/81 | Surface water quality modeling and sampling |
| CB-1. | 144 | Carl Brown | 12/09/81 | Supports Alternative 7b |
| CB-2. | 144 | Carl Brown | 12/09/81 | Aquifer characteristics |
| DNREP-1. | 146 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Supports Alterntive 7c |
| DNREP-2. | 146 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Notes comments of Water Quality Adivisory Board |
| DNREP-3. | 147 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Disinfection does not remove nitrates |
| DNREP-4. | 147 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Groundwater users will not connect to public water supply |
| DNREP-5. | 147 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Public health problems remain |
| DNREP-6. | 148 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Errata |

(TABLE 10. CONT'D)

| COMMENT CODE | PAGE(S) | COMMENT | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| DNREP-7. | 148 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Small plant discharge limitations |
| DNREP-8. | 148 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Subsurface discharge may not be permitted |
| DNREP-9. | 148 | Kentucky Department for Natural Resources and Enivronmental Protection | 02/23/82 | Primary sludge disposal is not addressed |
| DNREP-10. | 148 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Local policy on septic tanks |
| DNREP-11. | 148 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Erratum |
| DNREP-12. | 149 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Construction grant priorities |
| DNREP-13. | 149 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Rising groundwater level |
| DNREP-14. | 149 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Maintenance of septic tanks |

(TABLE 10.  CONT'D)

| COMMENT CODE | PAGE(S) | COMMENT | DATE | NATURE OF COMMENT |
|---|---|---|---|---|
| DNREP-15. | 149 | Kentucky Department for Natural Resources and Environmental Protection | 02/23/82 | Impact assessment tables; user charges. |

TABLE 11 . SUMMARY OF WRITTEN COMMENTS

| | HISTORIC/ARCHAEOLOGICAL/ RECREATION RESOURCES | MINERAL RESOURCES | GROUNDWATER/ SURFACE WATER | PUBLIC HEALTH | PERMITS | FIA & COST ANALYSIS | DETAILS OF 7B | COSTS | SEPTIC TANK POLICY | EPA POLICY | SUPPORT 7B | OPPOSE 7B | SUPPORT 7C | SUPPORT SEWERS | ERRATA/REVISIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. State Historic Preservation Office | 2 | | | | | | | | | | | | | | |
| 2. U.S. Army Corps of Engineers | | | | | | | | | | | | | | | 3 |
| 3. A.B. Schlatter | | | | | | 1 | 1 | | | | | | | | |
| 4. Dorothy H. Hardesty | | | | | | | | | | | | | | 1 | |
| 5. U.S. Department of the Interior | 2 | 1 | | | 1 | | | | | | | | | | |
| 6. Centers for Disease Control | | | 1 | | | | | | | | | | 1 | | |
| 7. Louisville and Jefferson County Planning Commission | | | | | | 2 | | 1 | 1 | 8 | | | 1 | | |
| 8. Anonymous | | | | | | | | 1 | | 1 | | | | | |
| 9. Jefferson County Environmental Policy Office | | | 4 | | | 2 | | 2 | | 5 | | | | | |
| 10. The League of Women Voters | | | 3 | | | | 1 | | | 2 | | | 1 | | |
| 11. Louisville and Jefferson County Metropolitan Sewer District | | | 1 | | | 7 | 2 | 3 | | 4 | | | | | 10 |

(TABLE 11. CONT'D)

| | HISTORIC/ARCHAEOLOGICAL/ RECREATION RESOURCES | MINERAL RESOURCES | GROUNDWATER/ SURFACE WATER | PUBLIC HEALTH | PERMITS | FIA & COST ANALYSIS | DETAILS OF 7B | COSTS | SEPTIC TANK POLICY | EPA POLICY | SUPPORT 7B | OPPOSE 7B | SUPPORT 7C | SUPPORT SEWERS | ERRATA/REVISIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12. Kentucky Department of Transportation | | | | | 1 | | | | | | | | | | |
| 13. Charles R. Tucker | | | | | | | | | | | 1 | | | | |
| 14. Sierra Club | | | 1 | | | | | 1 | | 3 | | | | | |
| 15. Water Quality Advisory Board | | | 6 | | | | | | | | | | | | |
| 16. Carl Brown | | | 1 | | | | | | | | 1 | | | | |
| 17. Kentucky Department for Natural Resources and Environmental Protection | | | 3 | 1 | | 2 | | 1 | 3 | 2 | | 1 | | | 2 |

HERITAGE

October 28, 1981

Mr. John E. Hagan, III, P.E.
Chief, EIS Branch
U.S. Environmental Protection Agency
Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Hagan:

The Kentucky State Historic Preservation Office has reviewed the Draft Environmental Impact Statement for the Mill Creek Area of Jefferson County, Kentucky. Our review indicates that the Mill Creek Draft EIS is not in compliance with the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966 and Executive Order 11593. My comments are as follows.

SHPO-1 The Draft EIS does not identify properties listed in or eligible for listing in the National Register of Historic Places within the study area. Historic properties currently listed in the Register within the project study area include the Pusey-Aydelotte House (6814 Bethany Lane), the Farnsley-Mourman House (10900 Lower River Road), and Lewiston Place (4902 Ranchland). In addition, the following six properties within the study area are included in a Multiple Resource Nomination that has been approved by the Kentucky Historic Preservation Review Board but has not yet been approved by the Keeper of the National Register: the Farnsley House (4816 Cane Run Road), the Fenley House (5300 Block Rayburn Road), the Jones House (7998 Valley Station Road), and the Waverly Hills Tuberculosis Sanitorium, Annex, and Staff building at 8101 Dixie Highway. Also within the study area but not identified in the Draft EIS are 19 historic buildings listed in the Survey of Historic Sites in Kentucky. It cannot be determined from the Draft EIS if any of these properties will be effected.

SHPO-2 The treatment of known or potential archaeological resources within the study area is also inadequate. Four recorded sites are figured in the Draft EIS. An informal check with the Office of State Archaeology at the University of Kentucky indicates that as many as 130 recorded archaeological sites may lie within the project study area. While a number of these have been determined eligible or not eligible for listing in the National Register of Historic Places, most have not been evaluated for their potential significance.

SHPO-1. Comment incorporated in revisions to the draft EIS; see Section 3.2.6.

HERITAGE

Mr. John E. Hagan, III
October 28, 1981
Page 2

The Draft EIS states that no known archaeological site will be effected, but no documentation is provided to support this statement. The Draft EIS also indicates that undiscovered sites may be effected, but it does not appear that a professional archaeological survey was conducted to identify such sites.

In the discussion of impacts and mitigative measures for cultural resources, the Draft EIS suggests that any negative impacts could be mitigated by allowing for archaeological investigations during construction to identify sites and for further investigation of any discovered sites. This recommendation is not in compliance with the Advisory Council's Rules and regulations for the Protection of Historic and Cultural Properties (36 CFR, Part 800).

SHPO-2 It is my opinion that an archaeological survey should be conducted by a professional archaeologist to determine if any archaeological sites listed in or eligible for listing in the National Register of Historic Places will be effected by the proposed wastewater facilities. If it is determined that National Register listed or eligible sites will be effected, EPA should in consultation with the State Historic Preservation Officer determine effect and, if necessary, request comments from the Advisory Council on Historic Preservation. The Final Environmental Impact Statement should contain documentation supporting either 1) a determination of no effect or no adverse effect on cultural and historic properties and a record of coordination with the State Historic Preservation Office and Advisory Council, or 2) when adverse effect has been determined, an executed Memorandum of Agreement or the comments of the Advisory Council and an account of actions to be taken to respond to these comments.

Sincerely,

(Mrs.) Anne Armstrong Thompson
Preservation Director and Deputy
State Historic Preservation Officer

ENVIRONMENTAL IMPACT STATEMENT
BRANCH
RECEIVED
NOV 02 1981
REGION IV, EPA

AAT:TNS/pm

cc: Mr. Don Klima
Advisory Council
on Historic Preservation

SHPO-2. A detailed archaeological survey is inappropriate at this time due to the preliminary nature of the interceptor routes. Archaeological surveys will be made a construction-grant condition for specific interceptor routes.

DEPARTMENT OF THE ARMY
LOUISVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201

ORLPD-R

NOV 9 1981

Mr. John E. Hagan III, P.E.
Chief, EIS Branch
EPA, Region IV
345 Courtland Street, N.E.
Atlanta, GA 30365

Dear Mr. Hagan:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement on the Mill Creek Area which addresses proposed wastewater facilities for Southwest Jefferson County, Kentucky. We would like to submit the following comments:

COE-1 a. The study area is within the protection of the Southwest Jefferson County Floodwall. Please note two attached data sheets. More data for the flood protection works based on the sheets could be furnished.

b. Page 1-9, Hydrology and Water Quality. The history of surface drainage should be prepared as per inclosed history from "Lower Mill Creek Drainage Study" dated 1965 prepared for Louisville and Jefferson County Metropolitan Sewer District by Hazelet and Erdal.

COE-2 c. Page 117, Paragraph 4.3.5, Housing and Population. Influence of future flood protection on future population should be addressed.

d. Page 117, Paragraph 4.3.6, Land Use. Influence of the flood hazard on land use should be mentioned.

COE-3 e. Page 176, Significant Agricultural Land. It should be noted that with the completion of the flood protection works now under construction, the prime farmland discussed will no longer be in the 100-year flood plain.

Sincerely,

C. E. EASTBURN
Colonel, Corps of Engineers
District Engineer

3 Incl
As stated

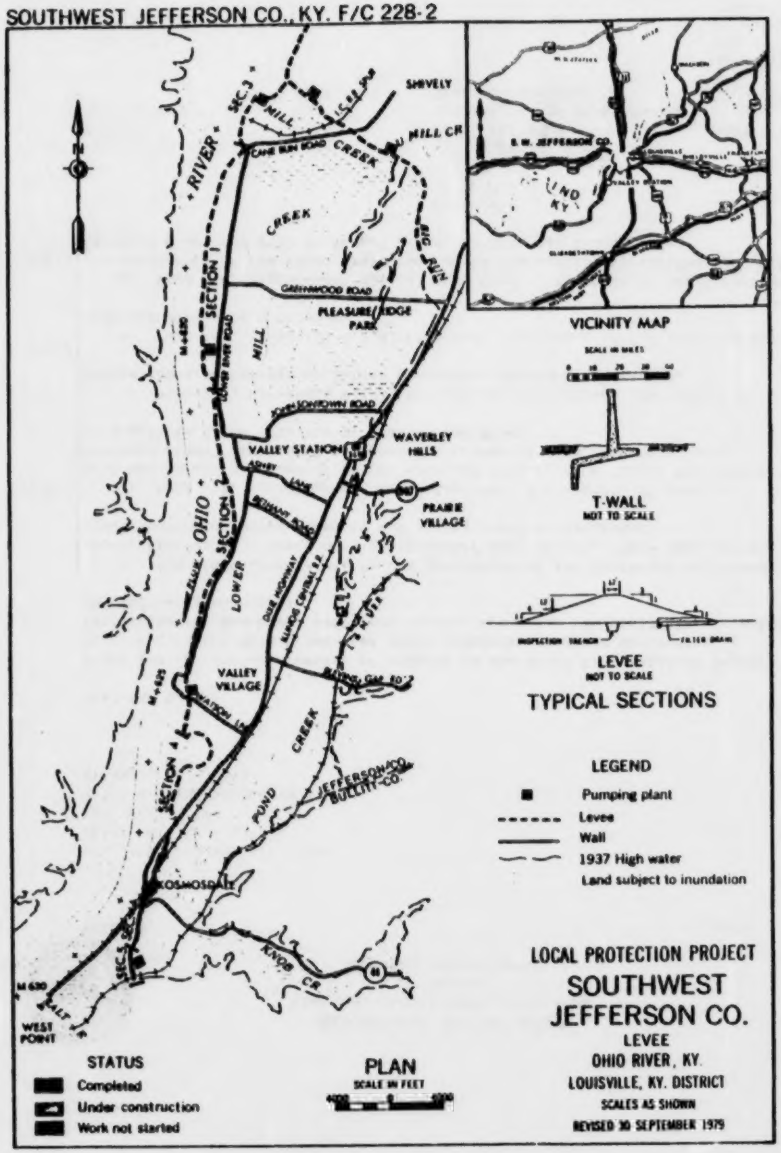
ENVIRONMENTAL IMPACT STATEMENT BRANCH
RECEIVED
NOV 12 1981
REGION IV EPA

COE-1. Comment incorporated in revisions to the draft EIS; see Section 3.2.4.

COE-2. Land use, housing, and population projections were taken from information provided by the Louisville and Jefferson County Planning Commission and MSD, which already assume flood protection in-place.

COE-3. Comment incorporated in revisions to the draft EIS; see Section 3.2.5.

## SOUTHWEST JEFFERSON CO., KY. F/C 228-2


SHIVELY
MILL CR
SEC. 3
MILL
CANE RUN ROAD
CREEK
RIVER
CREEK
BIG RUN
SECTION 1
GREENWOOD ROAD
PLEASURE RIDGE PARK
M-620
LOWER RIVER ROAD
MILL
JOHNSONTOWN ROAD
WAVERLEY HILLS
VALLEY STATION
ASHBY LANE
BETHANY ROAD
PRAIRIE VILLAGE
OHIO
SECTION 2
LOWER
DIXIE HIGHWAY
ILLINOIS CENTRAL R.R.
VALLEY VILLAGE
M-625
WATSON LN
SECTION 4
CREEK
POND
JEFFERSON CO.
BULLITT CO.
KOSMOSDALE
SEC. 5
KNOB CR
M 630
WEST POINT
VICINITY MAP
S. W. JEFFERSON CO.
IND
KY
LOUISVILLE
VALLEY STATION
SHELBYVILLE
FRANKFORT
ELIZABETHTOWN
SCALE IN MILES
T-WALL
NOT TO SCALE
INSPECTION TRENCH
FILTER DRAIN
LEVEE
NOT TO SCALE
TYPICAL SECTIONS
LEGEND
Pumping plant
Levee
Wall
1937 High water
Land subject to inundation
STATUS
Completed
Under construction
Work not started
PLAN
SCALE IN FEET
4000
0
4000
LOCAL PROTECTION PROJECT
SOUTHWEST JEFFERSON CO.
LEVEE
OHIO RIVER, KY.
LOUISVILLE, KY. DISTRICT
SCALES AS SHOWN
REVISED 30 SEPTEMBER 1979

## SOUTHWEST JEFFERSON CO., KY. F/C 228

AERIAL VIEW OF PROJECT SITE

## SOUTHWEST JEFFERSON COUNTY F/C 228-3

### SOUTHWEST JEFFERSON COUNTY, KENTUCKY

### Condition of Improvement, 30 September 1979

**LOCATION:** In Southwest Jefferson County, Kentucky, on the left bank of the Ohio River directly downstream from Louisville, Kentucky.

**AUTHORIZATION:** The project was authorized by Flood Control Act of August 1968.

**PROJECT FEATURES:** The project consists of 68,500 feet of levee, 1,550 feet of concrete wall, four pumping plants, drainage structures, five movable closures and other necessary appurtenances. Top elevation of the protective works varies from 459.8 to 458.0.

The Southwest Jefferson County area has a population of 52,800 residing or working in the flood area. The line of protection extends from mile 616.0 upstream to mile 628.6 downstream Ohio River. The project affords protection to 24,100 acres of Southwest Jefferson County against floods equal to the maximum to record elevation 455.0 in January 1937 with freeboard of three feet.

**PROGRESS:** Engineering and design studies continue. Construction of Levee Section 1 was started in October 1973 and is complete. Construction of Levee Section 2 was started in August 1976 and is complete. Construction of Levee Section 3 started in February 1979, and Riverport and Lower Mill Creek pumping plants started in June 1979.

**COST DATA:**

| | |
|---|---|
| Estimated Federal Cost (1979) | $54,100,000 |
| Estimated Nonfederal Cost (1979) | 9,420,000 |
| Estimated Project Cost (1979) | 63,520,000 |
| Federal Costs to 30 September 1979 | 13,017,108 |
| Federal Net Allotments to 30 September 1979 | 13,937,473 |

---

1. *History*

*Historically, the area dealt with in this report has been poorly drained. When the white man first came to this area there were no major drainage channels.*

*rather the area was covered by a number of large ponds. For instance, the stream we call Black Pond Creek, which is our 100 Tributary area, was at one time a great, long pond 500 feet or so in width and three to four miles in length. (See Exhibit 22 for a reproduction of an 1879 map showing this pond) Numerous other ponds existed in addition to this one.*

*Then, as this area began to develop, the Lower Mill Creek as we know it today drained an area which included the area of Shively and what is now referred to as Upper Mill Creek, above the Henry Watterson Expressway and east of Dixie Highway. According to the map of 1879, a connection from Mill Creek to the Ohio River existed at that time on the present alignment of Garrison Ditch. In about 1913, the Mill Creek Cutoff was constructed so that the Upper Mill Creek drained into this Mill Creek Cutoff and thence into the Ohio River. When the floodwall was built in the ~~1940~~ 1950's, the stream known as Big Run was rerouted from its connection to Upper Mill Creek directly into the Mill Creek Cutoff outside the floodwall. The main channel of Lower Mill Creek was improved and straightened from its original alignment in about 1927, as can be seen in looking at aerial photographs or the maps. It now has a good alignment, fairly straight with only a few curves, and does not wander as would a typical stream in the flood plains. At the time of these improvements, easements were obtained throughout most of the length of Lower Mill Creek.*

A. B. SCHLATTER
7329 St. Andrews Church Road

Louisville, Kentucky 40214

November 19, 1981

John E. Hagan III
Chief of EIS Branch, EPA
345 Courtland St. N. E.
Atlanta, Ga. 30365

Dear Sir:

I recently read a newspaper article in the Louisville Courier-Journal concerning the sewer extension lines proposed to be built by the Metropolitan Sewer District (see enclosed copy).

In this article Mr. John Tierney, a spokesman for M.S.D. said the EPA has made financial assumptions about the project that may not materialize. ABS-1 One of these is that M.S.D. will be able to acquire existing, privately-owned treatment plants at no cost.

ABS-2 This assumption is of great interest to me, as I am a partial owner of three sewage treatment plants that may be affected by this expansion. They are: Fairhaven Sewage Treatment Plant located along Southern Ditch. Fordhaven Plant and Forest Hills Plant located along Big Run.

Would you be so kind as to write and tell me if any or all of these plants are being considered for abandonment?

It is very important to me to know the future plans of EPA and M.S.D. Please respond.

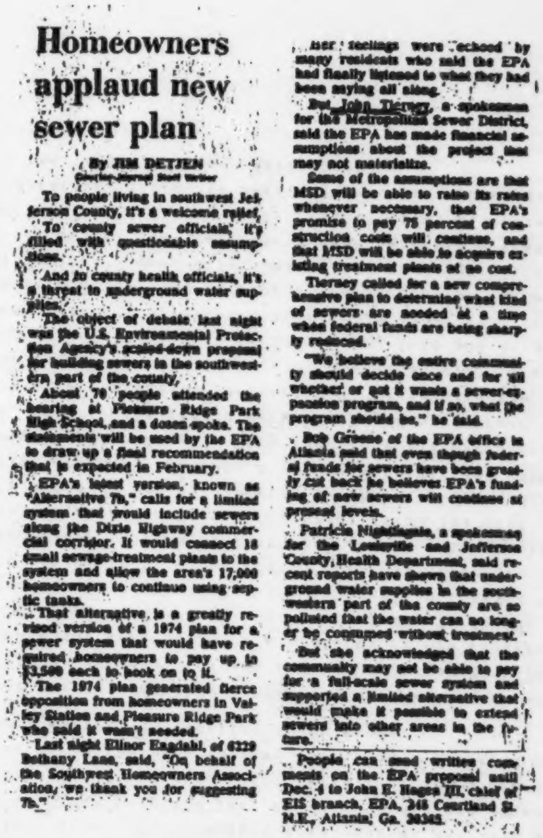
Yours truly,

a. B. Schlatter

A. B. Schlatter

ABS:lc

ENVIRONMENTAL IMPACT STATEMENT



# Homeowners applaud new sewer plan

By JIM DETJEN
Courier-Journal Staff Writer

To people living in southwest Jefferson County, it's a welcome relief.

To county sewer officials, it's filled with questionable assumptions.

And to county health officials, it's a threat to underground water supplies.

The object of debate last night was the U.S. Environmental Protection Agency's scaled-down proposal for building sewers in the southwestern part of the county.

About 70 people attended the hearing at Pleasure Ridge Park High School, and a dozen spoke. The statements will be used by the EPA to draw up a final recommendation that is expected in February.

EPA's latest version, known as "Alternative 7b," calls for a limited system that would include sewers along the Dixie Highway commercial corridor. It would connect 18 small sewage-treatment plants to the system and allow the area's 17,000 homeowners to continue using septic tanks.

That alternative is a greatly revised version of a 1974 plan for a sewer system that would have required homeowners to pay up to $3,500 each to hook on to it.

The 1974 plan generated fierce opposition from homeowners in Valley Station and Pleasure Ridge Park who said it wasn't needed.

Last night Elinor Engdahl, of 6229 Bethany Lane, said, "On behalf of the Southwest Homeowners Association, we thank you for suggesting 7b."

Her feelings were echoed by many residents who said the EPA had finally listened to what they had been saying all along.

But John Tierney, a spokesman for the Metropolitan Sewer District, said the EPA has made financial assumptions about the project that may not materialize.

Some of the assumptions are that MSD will be able to raise its rates whenever necessary, that EPA's promise to pay 75 percent of construction costs will continue, and that MSD will be able to acquire existing treatment plants at no cost.

Tierney called for a new comprehensive plan to determine what kind of sewers are needed at a time when federal funds are being sharply reduced.

"We believe the entire community should decide once and for all whether or not it wants a sewer-expansion program, and if so, what the program should be," he said.

Bob Greene of the EPA office in Atlanta said that even though federal funds for sewers have been greatly cut back he believes EPA's funding of new sewers will continue at present levels.

Patricia Nightingale, a spokesman for the Louisville and Jefferson County Health Department, said recent reports have shown that underground water supplies in the southwestern part of the county are so polluted that the water can no longer be consumed without treatment.

But she acknowledged that the community may not be able to pay for a full-scale sewer system and supported a limited alternative that would make it possible to extend sewers into other areas in the future.

People can send written comments on the EPA proposal until Dec. 4 to John E. Hagan III, chief of EIS branch, EPA, 345 Courtland St. N.E., Atlanta, Ga. 30365.

ABS-1. The question of compensation for privately owned treatment plants is currently being decided in the courts.

ABS-2. Under alternative 7b, it would be more cost-effective to connect the Fordhaven and Forest Hills plants to the sewer system than to upgrade them for continued point-source discharge. The Fairhaven plant is located in the Pond Creek service area, which is outside of the EIS study area. The Pond Creek sewer system is currently under construction.

November 20, 1981

Mr. John E. Hagan, III
Chief of EIS Branch
EPA
345 Courtland Street N.E.
Atlanta, GA 30365

Dear Mr. Hagan:

We want to state our need FOR sewers. We are a large family residing at 10006 Northridge Court, Louisville, KY 40272.

DHH-1 For years we have not been able to do laundry or use water as desired.

Anyone who resides in our area and says we don't need sewers, doesn't have a working nose.

Please listen to the FOR's too.

Sincerely,

Dorothy H. Hardesty

Dorothy H. Hardesty

[illegible]
[illegible] 1981

DHH-1. Residences in Prairie Village are included in the Pond Creek service area, which is not part of the EIS study area. The Pond Creek sewer system is currently under construction.

**United States Department of the Interior**
OFFICE OF ENVIRONMENTAL PROJECT REVIEW
Southeast Region / Suite 1384
Richard B. Russell Federal Building
75 Spring Street, S.W. / Atlanta, Ga. 30303

ER-81/1985

November 23, 1981

Mr. John E. Hagan, III, P.E.
Environmental Protection Agency
345 Courtland Street, NE
Atlanta, Georgia 30365

Dear Sir:

We have reviewed the draft environmental statement, Mill Creek Area, Jefferson County, Kentucky, and have the following comments.

DOI-1 The proposed project will not adversely affect any existing, proposed, or known potential units of the National Park System, or any local recreation areas of our mandated interest or jurisdiction. We note, however, on page 113, that school-related recreation resources would be affected by construction noise and that local noise regulations will be enforced.

DOI-2 The statement does not mention coordination with the State Historic Preservation Officer (SHPO) specifically relating to this project. We encourage you to contact the SHPO for a determination of significant cultural resources in the project area. The Kentucky SHPO is Ms. Anne A. Thompson, Executive Director, Kentucky Heritage Commission, 22nd Floor, Capitol Plaza Tower, Frankfort, Kentucky 40601 (telephone 502/564-6939). Documentation of this coordination should be included in the final environmental statement. Also, should any archeological resources be found during construction, the contact for emergency discovery is the Secretary of the Interior, through the Departmental Consulting Archeologist, Interagency Archeological Services, Washington, D.C. 20240 (telephone 202/272-3750).

DOI-3 The statement should indicate whether or not Department of the Army permits (Section 10 and/or 404) will be required. Information contained in the statement is insufficient to determine the need for such permits or the likely impacts of permit related work on fish and wildlife resources. Accordingly, these comments do not preclude separate evaluation and comments on future permits for the project.

DOI-4 The statement does not contain an inventory of mineral resources. Cement, stone, sand and gravel, and clays are produced in Jefferson County. The EIS should include the above information. For completeness, Section 5.2.1, page 125, should include a description of mineral resources as a significant natural resource of the affected environment. Section 5.2.2, page 154, should include an evaluation of the impact on mineral resources. If the impact on in-the-ground mineral resources is considered minimal, the draft should contain a statement to that effect. Mention should be made of construction material committed to the project.

Thank you for the opportunity to comment on this statement.

Sincerely,

James H. Lee
James H. Lee
Regional Environmental Officer

DOI-1. Comment noted.

DOI-2. Responses to comments from the SHPO are contained in this section. Requirements for contact for emergency discovery should be included as construction-grant conditions.

DOI-3. Any necessary permits will be obtained during design, when interceptor alignments are more precisely determined. The need for such permits is probably minimal for the proposed alternative 7b, because much of the interceptor follows the highway rather than streams and very few wetlands are still present in this highly urbanized area.

DOI-4. The relative commitment of mineral resources required for the construction and placement of an interceptor system in an urban area is negligible and will have minimal impact on in-the-ground mineral resources. The installation of interceptors will also not preclude the future recovery of mineral resources. The need to avoid specific mineral deposits, if any, can be assessed during design when specific interceptor routes are planned.

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(404) 262-6649

November 30, 1981

Mr. John E. Hagan, III, P.E.
Chief, EIS Branch
Environmental Protection Agency
Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Hagan:

We have reviewed the Draft Environmental Impact Statement (EIS) for the Mill Creek Area, Jefferson County, Kentucky. We are responding on behalf of the Public Health Service.

CDC-1

We are supportive of any effort to provide sewers in an area and minimize the impacts to surface streams and groundwater. However, we do not understand the method by which this EIS deals with the impact to the groundwater in the Mill Creek Aquifer. We believe groundwater is a very valuable resource and should be protected to the greatest extent possible.

This EIS stated that the potential for public health impacts related to groundwater influenced by septic tanks is tempered by the limited existing and future use of the groundwater. We know that some 600+ families presently use the Mill Creek Aquifer for their private water supply. This is not limited use. Also, it is possible that future needs might dictate the need for this aquifer as an alternate water supply.

This document further states that the selection of seepage pit disposal for the eight remaining small treatment plants would increase the impact to groundwater quality, and it is anticipated that the Mill Creek Area groundwater will be unacceptable as an untreated drinking water source under this alternative. In selecting an alternative for this project, groundwater should receive a portion of the major consideration.

We believe the selected alternative 7b is not the best alternative to protect public health now or in the future.

CDC-2

In view of economics and present finances, we would like to see alternative 7c or some variation of this alternative implemented. Thus far, there has not been any major health problem associated with contaminated water in the Mill Creek Area, but we believe it would be wise to mitigate these possibilities in the future by planning and encouraging efforts to reduce impacts to groundwater in this area. Failure to do so would be contrary to good public health practice. Under alternative 7c, interceptor lines could be constructed large enough to provide the capacity for feeder lines from future residential populations to be accommodated and the sewer lines for the Mill Creek Area could continue on an "as needed" basis or a progressive course.

Thank you for the opportunity to review this Draft EIS. We would appreciate receiving a copy of the final document when it is issued.

Sincerely yours,

Frank S. Lisella, Ph.D.
Chief, Environmental Affairs Group
Environmental Health Services Division
Center for Environmental Health

CDC-1. The groundwater did receive considerable attention in the EIS, as evidenced by the monitoring program. This program found that the groundwater is unacceptable as an untreated drinking water source, and that those families now using that water should connect to the public water supply. This conclusion is applicable to all alternatives, so the current public health concern with the groundwater is not a factor favoring one alternative over another. A regional sewer system, for example, could not be completed for ten or more years, and the only feasible way to protect groundwater users within that period would be to connect them to the public water system.

CDC-2. Alternative 7c, as described above, has no greater public health benefits in the near future than alternative 7b. Only by connecting groundwater users to the public water system can immediate health concerns be mitigated. Cost-effective wastewater management planning indicates that there are other areas in Jefferson County, e.g., Pond Creek, where federal funds for sewers would have more immediate impacts on public health problems. The selection of 7b as the most cost-effective alternative does not prevent local agencies from implementing 7c or any other alternative. It does, however, limit federal funding to the extent available under alternative 7b.

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**Louisville and Jefferson County**
**Planning Commission**

900 Fiscal Court Building, Louisville, Kentucky 40202   502-581-6230

December 1, 1981

Mr. John E. Hagan, III, P. E.
Chief, EIS Branch
EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Subject: Draft EIS - Mill Creek Area, Jefferson County, Kentucky

Dear Mr. Hagan:

Under State enabling legislation, the Louisville and Jefferson County Planning Commission is charged with the responsibility of ensuring "the most appropriate, economic, desirable and feasible pattern" of development in Jefferson County. Such is accomplished through the Comprehensive Plan for Louisville and Jefferson County. The Comprehensive Plan manages growth and redevelopment in a manner that minimizes adverse impacts on the environment and that minimizes the cost of providing essential facilities and services that support development.

Experience over more than thirty years has shown the phasing of essential facilities and services is essential to the orderly, economical and environmentally sound development of the community. The provision of public sewers is a major determinant of orderly and economic growth in the community. The failure of public sewers to keep pace with development in the past has resulted in the proliferation of package treatment plants and septic tanks. This has resulted in (1) a sprawl land use pattern with the attendent high cost of providing essential facilities (e.g., roads, sewers, waterlines) and services and (2) the serious water quality problems facing all of Jefferson County. Accordingly, the Comprehensive Plan manages growth and redevelopment in Jefferson County by ensuring that development occurs in conjunction with the provision of adequate essential facilities and services.

LJCPC-1 Because actions by the U. S. Environmental Protection Agency have delayed the county-wide extension of public sewers in an orderly and timely manner and the Mill Creek Area Draft EIS Preferred Alternative 7b will not adequately serve future

LJCPC-1 development, the ability of the Comprehensive Plan to manage growth in an orderly and economical manner has been undermined. With the entire 201 Sewer Expansion Program in question, local government has not been able to direct development and the developer has not been able to make long-term financial decisions about sewage treatment systems. By default, development has been concentrated in the Interstate 64 corridor eastward from the Watterson Expressway where a regional public sewer system exists or has resulted in the further proliferation of package treatment plants and septic tanks with greater environmental degradation and higher long-term costs for sewage disposal.

LJCPC-2 Today, Jefferson County is farther away from achieving the goals of the Clean Water Act of 1972, providing an economically and environmentally acceptable sewage disposal system and ensuring orderly growth of the community, than in 1977. Ignoring the findings of the 201 Waste Treatment Facilities Plan and the 208 Areawide Waste Treatment Management Plan, the U. S. Environmental Protection Agency in 1977 reversed its "negative declaration" of the 201 Plan because septic tanks might be working in a subarea of Jefferson County, and disregarded the long-term county-wide consequences of such an action. Subsequent actions by EPA have placed a cloud over expansion of sewers in the Pond Creek Area and construction of the West County Sewage Treatment Plant, and required an EIS to be prepared for the North County Area delaying sewer expansion there. Regardless of the outcome of the Mill Creek Area EIS, the time required by the EIS process has resulted in the long-term county-wide consequences of a more costly sewage disposal, continued surface and groundwater degradation and disruption of an orderly and economical pattern of growth county-wide. In determining the appropriateness of exempting residential septic tanks in the Mill Creek Area from hooking into a regional sewer system, EPA has forced the balance of the residents and all businesses to bear the increased cost of public sewers and environmental degradation due to delays in implementing the 201 Plan in the balance of Jefferson County. Such long-term county-wide consequences have jeopardized the 201 Sewer Expansion Program and achievement of Clean Water Act goals, and have undermined the community's Comprehensive Plan.

LJCPC-3 The long-term county-wide consequences of EPA's 1977 decisions may be a moot point today; however, the potential long-term county-wide consequences of the Mill Creek Area EIS decision are not. The Mill Creek Area Draft EIS basically ignores the long-term county-wide consequences of exempting existing residential septic tanks from tieing into the regional system and of implying that future residences in Mill Creek should also be exempted according to preferred wastewater management Alternative 7b. The exemption of existing and future residences in a subarea of Jefferson County where a regional system is available could well establish a precedence that could result in pressure for exemptions in the balance of Jefferson

LJCPC-1. Alternative 7b is the most cost-effective management plan to alleviate current water quality problems in the Mill Creek area. The EIS decision is not meant to undermine local development planning, but rather to focus the use of federal sewer funds in the most cost-effective manner. Local agencies may implement alternative 7c as a local decision to serve future development, but federal funds will be available only to the extent available in alternative 7b.

LJCPC-2. Given progress in the construction of the Pond Creek sewer system, the design of the West County treatment plant, and the upgrading of the Morris Forman treatment plant, EPA does not agree that Jefferson County is further away now than in 1977 from meeting the goals of the Clean Water Act. The purpose of the Mill Creek EIS was to examine more carefully in one area of the county what system would provide "economically and environmentally acceptable sewage disposal." The EIS determined that the environmental needs in this area are not as great as in other areas and that a more-limited sewer system can improve surface water quality in a cost-effective way. Implementation of alternative 7b will save considerable federal and local funds over what would be spent for a full-scale regional system.

LJCPC-3. EPA's selection of alternative 7b represents a cost-effective decision for Mill Creek for the planning period. EPA does not endorse exemptions from a county policy of abandoning septic tanks and connecting to regional sewers.

LJCPC-3 County. If it can be proven that septic tanks work on a subarea
basis, it is possible to prove that septic tanks work on a case-
by-case basis in the balance of Jefferson County. This raises
the question of the long-term consequence of a challenge to or
abandonment of the mandatory hookup rule for the balance of the
County outside Mill Creek; such may place the financing of the
balance of the 201 Sewer Expansion Program in question. If the
LJCPC-4 balance of the 201 Sewer Expansion Program is placed in further
jeopardy, residents and businesses of Jefferson County will be
saddled with even higher sewage disposal and environmental
costs. The fact that sewers will not be sized to accommodate
LJCPC-5 future development under Alternative 7b means that a balanced
pattern of residential and industrial growth will not occur as
envisioned in the Comprehensive Plan. Without an adequate
regional sewer system, major residential and industrial development
will not locate in the Mill Creek area where jobs are
needed for low to moderate income people in the area and houses
are needed in proximity to jobs to reduce travel distances. The
long-term consequences of the Mill Creek Area EIS decision are
far more serious and broader than the long-term consequences the
County has already had to endure because of the 1977 EPA EIS
reversal. Perpetuation of an imbalanced land use pattern and of
an inability to manage growth in an orderly and economic manner
will result.

The Planning Commission considers preferred Alternative 7b to be:

LJCPC-6 1) contrary to the 201 Sewer Expansion Program adopted by local elected officials and EPA in 1974,

LJCPC-7 2) contrary to the County Sanitary Code by exempting present septic tank owners from hooking up to future public sewers,

LJCPC-8 3) contrary to the County Sanitary Code and the Comprehensive Plan for Louisville and Jefferson County by implying that future residents may build septic tanks in the Mill Creek area, by jeopardizing the phasing of essential facilities and development in the balance of the County and by perpetuating an imbalanced future land use pattern, and

LJCPC-9 4) contrary to the Clean Water Act of 1972 by allowing continued pollution of the ground water in Mill Creek and by placing achievement of Clean Water Act goals for the balance of Jefferson County in jeopardy.

We would like to point out that the Federal government has been historically short-sighted in the design and financing of of facilities, whether roads, sewers, etc., to accommodate reasonably anticipated future development and that the ultimate

LJCPC-4. The Mill Creek decision does not jeopardize the balance of the sewering program. Indeed, by freeing funds that may have been spent in Mill Creek for more cost-effective use elsewhere in the county, the overall costs to the county may be less.

LJCPC-5. Alternative 7b is the most cost-effective management plan to alleviate current water quality problems in the Mill Creek area. The EIS decision is not meant to undermine local development planning, but rather to focus the use of federal sewer funds in the most cost-effective manner. Local agencies may implement alternative 7c as a local decision to serve future development, but federal funds will be available only to the extent available in alternative 7b.

LJCPC-6. Alternative 7b represents a redirection in one area of the County of the 1974 Water Quality Management Plan. It recognizes tnat at this time federal sewer funds can be spent in a more cost-effective manner in other parts of the county.

LJCPC-7. Alternative 7b does not exempt present septic tank owners from hooking up to future sewers nor does it seek to pre-empt local prerogative in that policy decision.

LJCPC-8. The decision to allow septic tanks or use local funds to construct sewers for future growth is a local question not affected by alternative 7b. Indeed, capacity for future growth is already available in the existing Black Pond interceptor.

LJCPC-9. EPA does not agree that alternative 7b is contrary to the goals of the Clean Water Act. That law has always recognized the need for planning for cost-effective wastewater management, and alternative 7b meets that need.

LJCPC-10 cost to correct resulting environmental and facility inadequacies has been far greater than if the facilities had been adequately designed at the beginning. The preference of EPA for Alternative 7b reflects a short-term cost perspective of the Federal government and not the long-term costs of all involved. At the present time, it is questionable if EPA can even cover its share of the cost of Alternative 7b.

LJCPC-11 We are also concerned that the Federal government has required local jurisdictions to prepare 201 and 208 plans for achieving Federal water quality goals under the threat that Federal financial assistance in public sewer expansion would be lost; that local jurisdictions prepared such plans in good faith; that the local jurisdictions provided their share of the financing to implement the sewer expansion plan; that the Federal government has become an impediment to implementing the sewer expansion plan through delays and funding cuts; and that the Federal government without altering environmental requirements, appears to be removing itself from any liability after committing local government to a dead-end program.

LJCPC-12 In view of the long-range countywide development, environmental and economic concerns above, we urge that the regional sewer system in Mill Creek be designed to accommodate reasonably anticipated future development even if the initially constructed system is limited to the area to be served in Alternative 7b and even if EPA will not presently participate in the additional cost of a larger sized facility. The attenuated version of Alternative 7c (limited regional system) suggested by the Louisville and Jefferson County Health Department on November 17th is consistent with our view point.

We feel that some variation of Alternative 7c according to the area served has the following advantages over Alternative 7b:

(1) Existing residences in Mill Creek would not receive public sewers because such would not be built to the area and not because EPA exempted existing residential septic tanks from hooking into a regional system. This would avoid the appearance of exempting residences under the County Sanitary Code; and thereby, avoid the question that a precedence for exemption from mandatory hookup may be established jeopardizing the regional system in the balance of the County.

(2) Enabling future development to tie into the regional system consistent with the County Sanitary Code and Comprehensive Plan such that county-wide land development goals and objectives may be achieved relative to balanced growth and to the orderly, environmentally sound and economical phasing of growth with essential facilities throughout the County.

LJCPC-10. Federal funding of sewer projects under the Clean Water Act has always been recognized as a short-term effort to "catch up" in pollution control and not a long-term commitment to fund future growth. EPA cannot change the objectives of the Act nor guarantee future funding levels; responsibility for both rests with the Congress. The State role in setting priorities for funds will also affect the level of funds for the Mill Creek area.

LJCPC-11. The sewer-expansion plan for Pond Creek has not been delayed by this EIS. The sewer-expansion plan for Mill Creek was found not to be cost-effective, and to that extent EPA "has become an impediment to implementing the sewer expansion plan." Such an impediment is clearly justified by EPA's mandated role to provide cost-effective planning. Furthermore, the impediment does not prevent local funding of the sewer-expansion plan.

LJCPC-12. The decision to design for alternative 7c is a local decision. EPA will provide federal funds only to the extent that they would be available under 7b.

LJCPC-12
(3) Enabling the extension of the regional system to handle existing residential septic tanks should EPA reverse its decision about continuing to permit ground water pollution in Mill Creek.

(4) Enabling the extension of the regional system to handle existing residences should the residences of Mill Creek change their minds, no matter how remote such seems today. Yet, avoiding the extension of public sewers to those who don't want them in Mill Creek.

LJCPC-13
In conclusion, we do not feel that the majority of the residents and businessmen of Jefferson County should bear the adverse economic and environmental costs for a minority in Mill Creek. Accordingly, we ask that EPA give due consideration to the long-term county-wide development, economic and environmental consequences of a decision in the Mill Creek area. That is a decision not to extend public sewers to existing residences on septic systems in Mill Creek should not establish a precedence for future development in Mill Creek and the expansion of sewers in the balance of Jefferson County.

Sincerely,

David A. Kipple
for Robert Y. Bowman
Executive Director

RYB/tb

cc: Planning Commission

David J. Mansen, Chairman, Water Quality Advisory Board

Bruce K. Lane, Director of Division of Environmental Health, Department of Public Health of Louisville & Jefferson County

Jack J. Wilburn, Executive Director, Metropolitan Sewer District

LJCPC-13. The financial impact analysis showed that there was no adverse economic impact on the rest of Jefferson County from any of the alternatives. Shifting funds from the Mill Creek area to other areas with greater environmental need will hasten the provision of sewers and provide environmental benefits for the rest of the county. Future development in Mill Creek and the future provision of sewers are local questions.

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REGION IV EPA

2-1-81

Mr John E. Hagan III

This letter is in regards to the
sewer problem in South West Jefferson Co. KY
Are you getting a kick back or some-
thing for pushing the sewer system?

A-1 We didn't hear about sewer until
the River Port project came into the news
If they can make the people of South West
Jeff. Co. pay for it they won't have to.
They have to have a treatment plant no
way out of it in any way pay for it. the makers
if they can make home owners pay it's
a rip off. They talk about contaminated
ground water. We all get our water from
the Lou. Water Co. They are suppose to be
washed up there at the top of their work

Most homes out here are modern & up to
A-2 date. You'll find few wells here. The paper
said it would cost $11,000.00 to hook the
sewer up from $2500.00 4 years ago. That's
a little stupid. Most people can't afford it.
A lot of homes 20 - 30 years ago didn't
even cost that much. So if you come
back to Lou. Better bring some bottled distilled
water So you won't get a upset stomach
if you think our water is that bad
If River Port needs a sewer treatment
plant, let them pay for it. Not the
poor home owners.

That's all I have to say
just wanted you know. We are not all
dumb hillbillies

Thanks

A-1. Comment noted. The decision of where to treat Riverport wastewaters has not been made at this time. This EIS has recommended, however, that federal funds not be used for this project. The use of local funds vs. private funds is a local question.

A-2. $11,000 is not an accurate hook-up fee, because it includes costs that are not charged to the customer: costs covered by federal funds and costs recovered through user fees.

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*Mitch McConnell, County Judge/Executive*
**JEFFERSON COUNTY ENVIRONMENTAL POLICY OFFICE**
*Donald J. Ridings, Secretary*

*400 Old Louisville Trust Building · 208 South Fifth Street · Louisville, Kentucky 40202 · (502)581-5941*

December 2, 1981

Mr. John E. Hagan, III, P.E.
Chief, EIS Branch
EPA Region IV
345 Courtland Street, N.E.
Atlanta, GA 30365

Subject: Written Comments Regarding Mill Creek Area
Draft Environmental Impact Statement

Dear Mr. Hagan:

Some 84 months ago, a sewer expansion plan for Jefferson County, Kentucky was completed under Section 201 of the Federal Water Pollution Control Act. This Plan was designed to bring the County's streams and groundwater into compliance with this federal act.

Some 76 months ago, the Environmental Protection Agency (EPA) approved this 201 Plan for Jefferson County, stating that no Environmental Impact Statement (EIS) was required.

JCEPO-1 Some 50 months ago (26 months later), EPA reversed this original decision and stated that an EIS was to be prepared for the Mill Creek portion of the Jefferson County Plan. This reversal was made despite the fact that the Kentucky Attorney General had issued a statement that, in his opinion, all laws and regulations had been complied with during the preparation of the Plan, and despite the fact that a court suit filed by a local group of homeowners requesting an EIS was ultimately dismissed.

JCEPO-2 During initial meetings with various local agency representatives, EPA offered assurances that the community would not have to pay more for sewers as a result of the EIS. EPA also stated that the EIS would take between 18 and 24 months to complete.

Some 50 months after EPA announced that an EIS was to be prepared, a public hearing has been held on the draft EIS document. This letter regards that document.

JCEPO-1. The opinions of the Kentucky Attorney General are not binding on EPA, nor does his approval of the 201 planning process prevent EPA from further study of a small portion of the 201 study area. The court suit was not dismissed until one year after the EIS was begun, and part of the suit was dismissed without prejudice, i.e., it was not "ripe for adjudication" because the EIS was underway. The suit could be re-instituted once the EIS is completed.

JCEPO-2. The proposed alternative 7b represents a cost savings over the original regional sewer system. The duration of the EIS has been increased by several unforseen events, including local requests to include the entire County in the EIS and to prepare a detailed financial impact analysis and the need to conduct an intensive environmental sampling program.

Five major points need to be made in response to the draft Mill Creek Environmental Impact Statement.

JCEPO-3 First, EPA's financial impact analysis (Appendix A of the EIS) states as one of its "significant findings" that, "Mill Creek activities had no noticeable affect on either MSD's (Metropolitan Sewer District's) revenue requirements or projected MSD customer service charge." This finding ignores the real facts.

During the 50 months that EPA has taken to prepare the draft EIS, the construction cost index, as published by the Engineering News Record, has increased by 40.3%. Any suggestion that the financial resources of government, at any level, or of Jefferson County residents have kept pace with this index is ludicrous.

JCEPO-4 At the federal level, the final Carter budget contained $90 billion for sewer construction grants. Congress is currently considering legislation to slash this amount to $24 billion, and recent articles in the local newspaper state that the federal Office of Management and Budget is now proposing to cut this amount to $10 billion over 10 years. Certainly the federal financial picture for sewer construction has been devastated during this 50 month period.

Changes that have occurred over 50 months in state and local government finances are no less bleak. Kentucky state government has cut millions of dollars from its budget. Local governments in Kentucky now operate under a ceiling of 4 percent annual revenue increases.

As with government, personal disposable income has also failed to keep pace with the inflated cost of sewer construction over this 50 month period. In fact, recently released Census Bureau statistics show a decline in the median family income between 1979 and 1980 of 5.5 percent when adjusted for inflation.

The draft EIS fails to directly address what constitutes the real financial impacts of this 50 month delay in Jefferson County's sewer expansion plan.

JCEPO-5 Second, the draft EIS recommends that 17,000 residences retain their septic tanks and seepage pits rather than hook onto sewers. This Environmental Protection Agency recommendation protects everything but the environment. It protects the pocketbooks of residents in the area. It protects EPA's sewer construction grant monies. It does not protect the groundwater under Mill Creek, as evidenced by EPA's own groundwater sampling program.

JCEPO-3. The financial impact analysis concludes that the extent of construction activities in Mill Creek will have no noticeable effect on MSD or its customers. No analysis has been made of the effect of the planning activities of the EIS on the real costs of providing sewer service.

JCEPO-4. EPA does not dispute the fact that construction costs have inflated over the course of the EIS. Building now just to avoid inflated costs in the future is seldom, if ever, good public policy. The EIS was conducted to determine the most cost-effective wastewater management plan for the Mill Creek area. The EIS concludes that alternative 7b provides that cost-effectiveness at a cost much lower than that of a regional system, in constant, current dollars. Whether the local governments' financial situation is better or worse with the later, smaller system is moot. The financial impacts of a 50-month delay are not pertinent to the selection of a cost-effective alternative, because the impacts are common to all alternatives in the future--"what is done is done."

If anything, the recent decreases in personal disposable income and local revenues (in real dollars) emphasize the need for cost-effective planning to ensure that limited public funds are committed to those projects where they do the most good.

JCEPO-5. The purpose of an EIS is to find cost-effective management solutions, i.e., to balance socio-economic costs and environmental benefits. The Mill Creek EIS concludes that alternative 7b produces the best balance. Certainly protecting "the pocketbooks of residents in the area" is a concern to EPA as, presumably, it is to the local government. Under alternative 7b, as well as all other alternatives, the groundwater is usable as a treated drinking water source.

JCEPO-6 Third, the EPA recommendation appears to be more political than technical. Consider the facts. EPA spent thousands of dollars and numerous months to test groundwater in the Mill Creek area. These tests identified that the aquifer is polluted by septic tanks and seepage pits. EPA then decided that polluting the groundwater is not that big of a deal. It occurs to us that we could have saved thousands of tax dollars and months of time by not testing the groundwater, since EPA has ultimately decided to write off the aquifer anyway.

JCEPO-7 Fourth, EPA's recommendation that the septic tanks and seepage pits be retained in the Mill Creek area offers credence to the notion expressed by numerous residents that their septic tanks are "working." Throughout Jefferson County outside of the Mill Creek area, septic tanks typically empty into lateral fields. When these lateral fields fail, sewage effluent often seeps to the surface creating substantial health and aesthetic problems. Unlike the lateral field overflow problems, the seepage pits in Mill Creek dump the sewage effluent straight into the groundwater where it cannot be seen or smelled. Unfortunately, the philosophy has therefore become, out of sight, out of mind. EPA's recommendation clearly adheres to this philosophy.

The real losers, in the long run, appear to be the residents in the Mill Creek area. Unlike other pollution problems, groundwater pollution remains extremely localized. The current residents and future generations living in Mill Creek can now look forward to living on top of a polluted aquifer for years to come.

JCEPO-8 Fifth, EPA's recommendation is totally at odds with the Reagan administration's push for economic and industrial recovery and expansion. Fifty months ago, federal 201 construction grants could be used to build sewers to serve industrial development. EPA is now suggesting, in a figurative sense, that a new Ford or Toyota plant located in the Mill Creek area should be placed on a giant septic tank. While possibly humorous in concept, the real situation is deadly serious in terms of current unemployment rates and the national and local recessions and layoffs.

In summary, we find the current EPA position on the Mill Creek EIS as strictly punitive in its effect. It has had and will have devastating effects on:

JCEPO-6. It is not clear how this decision could be construed as being political. The purpose of the groundwater monitoring program was to determine the extent of pollution in the aquifer. The results indicate that the groundwater is extensively influenced by septic-tank discharges, but it is still usable as a treated drinking water source. EPA has neither the authority nor the intention of "writing-off" the aquifer.

JCEPO-7. The EIS is not a county-wide endorsement for septic tanks; the EIS selected alternative is the cost-effective solution for the Mill Creek area.

The overwhelming evidence from public meetings and the public hearing is that the residents of Mill Creek do not consider themselves as "losers" with alternative 7b as the proposed action.

JCEPO-8. The Black Pond interceptor has capacity that could be used for an industrial connection, although federal funds would not be available for that purpose. The local government can provide other sewers for industrial users if they prefer. Insofar as the recommendations being at odds with the President's "push for economic and industrial recovery and expansion," the President's February 1981 Economic Recovery Program message included the following language concerning the reform of EPA's construction grants program: "legislation will concentrate the program on treatment projects that directly enhance the quality of receiving waters. Projects, or features of projects, that do not result in direct environmental improvement, or which focus on future community growth will have to be built, if at all, without Federal assistance. Examples of projects that would no longer be eligible for Federal funding include new interceptor sewers, the funding of capacity to meet future population projections, and collection sewer systems that contribute to urban sprawl and have a marginal impact on water quality."

Mr. John E. Hagan, III, P.E.
December 2, 1981

JCEPO-9 1. The County's financial ability to sewer the remainder of the County.

JCEPO-10 2. The County's efforts to clean up its streams and groundwater in compliance with the federal Water Pollution Control Act.

JCEPO-11 3. Area residents and future generations in the Mill Creek area, in the long run.

JCEPO-12 4. The County's efforts to provide employment opportunities for its citizens who are currently faced with severe economic times.

JCEPO-13 We urge EPA to reconsider its current position regarding Mill Creek. Should the current EPA position stand, we urge EPA to work with Jefferson County to overcome the punitive effects of this EIS process. For example, we suggest that EPA consider accelerated and increased funding levels for construction of the remainder of the 201 Plan to compensate for the substantial financial burden that has been placed on the County during the 50 month preparation time for this Mill Creek EIS.

Yours truly,

David J. Mansen

David J. Mansen, Coordinator
through
Donald J. Ridings, Secretary DR

DJR:DJM:bmc

cc County Judge/Executive Mitch McConnell
Commissioners Brown, Malone and Watson
Senator Walter Dee Huddleston
Senator Wendell Ford
Congressman Gene Snyder
Congressman Ron Mazzoli
Charles R. Jeter, Regional Administrator, EPA Region IV
Secretary Jackie Swigart, Kentucky DNREP
Water Quality Advisory Board Members
Senator Robert T. Stafford
Congressman Toby Moffett

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JCEPO-9. Results of the FIA do not support this conclusion.

JCEPO-10. The County's efforts to clean up its streams is proceeding (e.g. Pond Creek interceptor, West County WWTP, the EPA-MSD agreement on the Morris Forman WWTP).

JCEPO-11. The EIS anticipates no long-term adverse impacts to area residents.

JCEPO-12. The proposed action does not interfere with local development planning for the future.

JCEPO-13. EPA does not agree that a "substantial financial burden" has been placed on Jefferson County nor that the EIS has "punitive effects". Alternative 7b has the effect of directing limited federal and locals funds to those areas where they are needed most, i.e., other areas of Jefferson County with greater environmental problems.

115 South Ewing Avenue • Louisville, Kentucky 40206 • Phone: (502) 895-5218

THE League of Women Voters
OF LOUISVILLE AND JEFFERSON COUNTY

December 3, 1981

Attention: Mr. John E. Hagan III, P.E.
Acting Chief, Environmental Assessment Branch
EPA, Region IV
345 Courtland Street N.E.
Atlanta, Georgia 30365

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

MILL CREEK AREA   JEFFERSON COUNTY, KENTUCKY

The League of Women Voters of Louisville and Jefferson County protests EPA's preliminary decision to recommend that Wastewater Management Alternative 7-B be selected for the Mill Creek Area as being the optimum course of action for our community. Financial feasibility and cost-benefit analysis may indeed dictate that no present action be advised for the current on-site systems of the residential community. With more severe sewage problems demanding attention elsewhere in the community, and with the purchasing power of committed local and federal dollars now severely eroded by time delays imposed by the E.I.S. process, it would be imprudent to recommend more than a limited course of corrective action in the Mill Creek Area.

However, prudence would indicate that an option ought to be maintained by this community which would allow for some future extension of a general wastewater collection system in the Mill Creek area should, for example, rising fround water cause current septic tank systems to fail. It would seem prudent, also, to maintain the option of being able to preserve and purify an important natural resource in our community, the Mill Creek area aquifer, source of drinking water for 300 to 600 families. LWV-1

The Louisville League does not take lightly any decision by EPA which would have the effect of institutionalizing pollution of an important natural resource of this community. Alternative 7B would

LWV -1 require that pollution remain - and increase - for many decades beyond the twenty year projection of the Mill Creek EIS. Since 7B would ensure increased pollution to the aquifer from untreated domestic sewage, EPA's decision to support an unmodified Alternative 7B might make it more difficult to protect the aquifer from industrial discharges in the future. The aquifer should not be considered an appropriate perpetual repository for wastes.

LWV -2 The League recommends (1), that EPA specifically explore the financial feasibility of a limited action plan which would address the most pressing needs of the area, and secondly would install a large enough interceptor system. Package treatment plants and septic tanks which are causing underground pollution could thus be replaced, if necessary. The Louisville - Jefferson County Board of Health supports this position.

LWV -3 We are particularly concerned that 18 of the package treatment plants slated for removal in 7B, represent only 54.5% if the total 33 package treatment plants. Thus, over half of the 15 plants left in the area will be larger plants, plants which are designed to discharge 3,000 to 500,000 gallons per day. Even the smaller plants have an unhealthful impact on our streams and were never considered more than a temporary expediency in our community. We are disturbed by the recommendation that these plants be transformed into permanent fixtures - however upgraded - with no future hope for their removal.

The Louisville and Jefferson County League of Women Voters asks that EPA not recommend any alternatives which would make current water pollution permanent, or which would mandate increased pollution.

LWV -4
- We would like to know what it would cost the community to reserve for itself an opportunity for clean water in all surface streams in the Mill Creek Area.

LWV -5
- We would like to know what it would cost to insure a future opportunity to decrease or to eliminate pollution in the aquifer.

LWV -6
- We would like to know in more exact dollars just how EPA is defining the worth of our natural resources.

LWV -7
- We are concerned whether EPA's recommendations of under-sized collectors means that the goals of the Clean Water Act are now considered to be a local option available only to those communities able to fund their own adequate facilities.

Judith Marks, President Judith Marks
Patricia Nightingale
Patricia Nightingale, Environmental Quality Committee
Gene Barnes
Gene Barnes, Environmental Quality Chairman

LWV-1. None of the alternatives provide relief in the near future for families using the groundwater under the Mill Creek area. The only feasible plan to protect the public health is to connect those families to the public water system. The EIS does not endorse using the groundwater as a "perpetual repository for wastes," it does recognize the existence of other, more-pressing environmental needs in Jefferson County. The use of the aquifer for industrial discharges in the future is largely a local question.

LWV-2. The plan advocated here seems to correspond to alternative 7c, which was determined to be less cost-effective than alternative 7b. This does not preclude local agencies from proceeding with 7c if they prefer; federal funds would only be available to the extent that they would be available for 7b.

LWV-3. Eight of the 15 plants that will remain under alternative 7b have discharges over 3,000 gallons per day. Of these, one is 65,000 gallons per day; the others are 15,000 gallons per day or less. All of the plants are, therefore, relatively small. The comment alludes to 7 other plants, all smaller than 3,000 gallons per day. These plants--with discharges equivalent to 2 or 3 nouses--were not specifically included in the EIS analysis because of their very small size. Any of the 7 plants adjacent to the 7b sewer could easily be accommodated in that system, without changing the analysis of 7b. Those that are not adjacent to the sewer could not be connected economically, although local agencies could provide that connection if desired.

LWV-4. All alternatives are predicated on surface water discharges meeting water quality standards. The discharges that remain under alternative 7b would have to meet these standards. The regional sewerage system (alternative 6) would remove all discharges from the streams; the costs of this alternative are shown in the draft EIS.

LWV-5. Alternative 7c would provide capacity for future connection of on-site systems in the same system as alternative 7b. Alternative 6, the regional system, would provide capacity for eliminating all on-site systems. The costs of these two alternatives are given in the draft EIS.

LWV-6. The worth of natural resources was not given a monetary value.

LWV-7. The Clean Water Act has always recognized that water pollution control involved a federal/local partnership and that the local responsibility would increase as the program progressed. Alternative 7b provides a cost-effective method of meeting environmental problems in the Mill Creek area.

Louisville and Jefferson County
Metropolitan Sewer District
400 South Sixth Street
Louisville, Kentucky 40202
502 587 0591

MSD

December 3, 1981

Mr. John E. Hagan, III, Chief
EIS Branch
EPA Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Re: Draft Mill Creek EIS

Dear Mr. Hagan:

At the November 17, 1981 Public Hearing on the draft Mill Creek EIS, EPA was furnished with a copy of the comments presented orally by Mr. John Tierney on behalf of MSD. Enclosed is a copy of MSD's additional comments.

Yours very truly,

E. M. Myers, P.E.
Assistant Chief Engineer

EMM:PM

Enclosure

cc: Mr. David Mansen (w/encl.)

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## LOUISVILLE AND JEFFERSON COUNTY
## METROPOLITAN SEWER DISTRICT

## ADDITIONAL COMMENTS ON THE DRAFT MILL CREEK EIS
November 17, 1981

Approval Page, First Page in EIS

MSD-1 EIS was approved by the Regional Administrator on August 13, 1981, even though we were still sending the EIS consultant data on the FIA on August 4, 10 and 18, 1981. In fact, the last set of cash flow runs were not sent until July 30, 1981.

Page ix

MSD-2 The dates listed for the various reports are incorrect. These reports have been typed in final form (camera ready) but are unavailable (at least not easily) for review. Only the drafts of each of these reports have been printed. There are no plans at the present to even print the reports as they exist now.

Page 1, Last Paragraph, Item 2

MSD-3 One of the concerns of the area residents is "the cost of sewers to area homeowners would be high ($2,500-$3,000 hook-up plus monthly charge) and constitutes an unnecessary burden..." The cost is not high for the average assessment cost, for all MSD assessment projects from September 1976 to June 1981 is only $2,543 in June 1979 dollars, based on an ENR index of 2984.

Page 5, 1.2.

MSD-4 Reference is made to Figure 2, here and throughout the report, which is supposed to show the existing small treatment plants; however, it does not show any. Table 2 also lists 26 small treatment plants but several are not shown on any figure in the EIS.

Page 16, Table 3

MSD-5 Alternatives 7b and 7c do not list "increased impact to local streams," and "continual impact to groundwater," as a disadvantage. In fact, "continual impact to groundwater" is not listed for any of the alternatives which would allow the continued use of on-site disposal systems.

Page 17, 1.3.3., Third Paragraph

MSD-6 The cost for connecting each house not presently served by LWC has been estimated to cost from $1,000 to $14,000, with an average cost of $2,000, for a total of $1.2 million. Who is going to pay? How and by what authority is anyone going to force residents to hook-up to LWC, even if it is available?

MSD-1. The conclusions drawn in the Financial Impact Assessment, which was incorporated in the draft EIS, were not changed by the additional information cited.

MSD-2. Comment noted.

MSD-3. The sentence quoted ends with "since the on-site systems are functional." The purpose was to characterize the impact on septic-tank users, not to compare this cost to average MSD assessments.

MSD-4. Comment incorporated in a revised Figure 2; see Section 3.2.1.

MSD-5. Alternatives 7b and 7c do not increase the impact to local streams. In both alternatives, existing plants will be removed or upgraded to meet water quality standards and current levels of impact will be decreased. Because there is limited potential for public contact with groundwater--particularly if the EIS recommendation for connecting all groundwater users to the public water supply system is implemented--the influence of on-site systems is considered minor.

MSD-6. This is a local public health concern that is not in EPA's jurisdiction.

MSD-7

Page 45, 3.2.2., Third Paragraph

The word "diameter" is misspelled in the fifth line.

Page 63, 3.3.2., Fourth Line From Bottom

The word "dwelling" is misspelled.

Page 66, Penultimate Paragraph

The word "dishwashers" is misspelled.

Page 68, Last Paragraph

The reference to Figure 2 should be changed to Figure 3.

Page 71, Third Line From Bottom

The word "cost" should be plural.

MSD-8

Page 74, Table 11

The unit costs for 12-inch VCP pipe are less than the cost of 8-inch VCP. In addition, costs for 10-inch VCP and 18-inch (with trench 14-20 feet deep) are missing.

MSD-9

Page 82 and 83, Last Paragraph

The last paragraph on page 82 states that the life expectancy of a septic tank and seepage pit is 40 years, but the Salvage Value Factor table lists the estimated lifetime of a seepage pit as 20 years. This is not consistent.

MSD-10

Page 87, Bottom of Page, Last Sentence

This sentence implies that the regional system proposes building sewers on currently undeveloped land. This is not the case. Sewers may be planned and sized for future population, but collection sewers built in the future will be built by lateral extension agreements at no cost to existing MSD customers.

MSD-11

Page 89, First and Fourth Paragraphs

The word "from" is misspelled.

MSD-12

Page 90, Second Paragraph

The EIS states the number of septic tank failures is small in light of the number of systems in use, and, therefore, these systems should be considered very reliable. On what basis is this made? The draft Environmental Inventory Task Report only addresses documented septic tank failures for a relatively short period of time: 18 months. No real study, statistical or otherwise, appears to have been done to support the EIS claim.

MSD-7. See Section 3.1 for corrections.

MSD-8. Comment incorporated in revisions to the draft EIS; see Section 3.2.2.

MSD-9. The "economic" life of a block-construction seepage pit is considered to be 20 years; i.e., its value depreciates linearly over 20 years. Realistically, people will not replace their seepage pits until they fail completely. There are many seepage pits in Mill Creek now that are more than 20 years old and have not been replaced. Replacement of the septic tank and seepage pit after 40 years has been assumed in the cost calculations.

MSD-10. The draft EIS cost analyses are based on total costs of the alternatives, regardless of who pays. Sewer extensions for future populations are a part of the total cost under alternatives providing collection capacity for future growth.

MSD-11. See Section 3.1 for correction.

MSD-12. These systems are considered reliable because there are many systems that have been operated for many years with very few surface failures reported.

Page 90, Second Paragraph

MSD-13 The last sentence states that septic tanks in the West County area "would be considered very reliable," but in the last sentence of the penultimate paragraph, states that "systems reliability problems may be aggravated by the advancing age of many" septic tanks. On numerous occasions, it is stated that many septic tanks will be 40 to 50 years old during the planning period (pages 65, 70, 82). It is also pointed out that "cooperation of owners" is necessary for a reliable system. It would appear that many things will have to go right in order to avoid an unreliable system; namely, 1) septic tanks pumped out every two to five years; 2) those on-site systems needing replacement actually are replaced; 3) enforcement and monitoring by the Health Department will be tough and expensive; 4) the small wastewater treatment plants not relieved by interceptors will have to be upgraded to meet discharge regulations; and 5) cooperation of owners of septic tanks is necessary for replacement responsibilities and allowing Health Department inspections.

Page 90, Third Paragraph

MSD-14 The West County Wastewater Treatment Plant is not designed to Reliability Class I, but to Class III.

Page 92, 3.4.3., First Paragraph

MSD-15 The public acceptance or non-acceptance of sewers appears totally based on conjecture, with no factual or statistical sampling of the public. This fact is admitted in the last sentence of this paragraph, but public acceptance or non-acceptance is still used as an advantage or disadvantage in the evaluation alternative process.

Page 95, Third Paragraph

The word "concerned" is misspelled.

Page 97, Penultimate Paragraph

MSD-14 The word "constructed" is misspelled.

Page 98, Third Paragraph and Last Paragraph

The word "from" is misspelled.

Page 101, 4.1.

This section describes the proposed action of Alternative 7b. The proposed sewers in this alternative will be designed for expected present flows and not future population. In addition, residential units, even though the proposed sewer is directly in front of their houses, would not be required to hook up to the sewer.

MSD-16 By not sizing the sewers to serve future population, EPA is forcing the financial burden of parallel sewers or expensive pumping to future populations and commercial users, making future economic development of the area very expensive.

MSD-13. Comment noted; EPA does not disagree. The success of any system depends on the cooperation of the owners.

MSD-14. See Section 3.1 for correction.

MSD-15. Although public sentiment was not statistically sampled, statements on public acceptance are not simply "conjecture," but represent the overwhelming viewpoint expressed at numerous public meetings as well as the public hearing.

MSD-16. EPA does not oppose a local decision to proceed with a sewer system sized for alternative 7c. Any commitment of federal funds, however, would be based on alternative 7b, the most cost-effective alternative .

MSD-16 Not requiring any of the existing residential units to hook up to the proposed system does not make sense. For instance, the VT-2 line would relieve seven small treatment plants, but along the way, EPA would still allow approximately 70 residential units to continue polluting the groundwater with their on-site systems, even the proposed sewer runs directly in front of their house.

MSD-17 Page 105, 4.2.1., First Paragraph

There must be more than 400 residential units that will continue to use on-site systems. Either the number or the phrasing of the sentence is incorrect.

Page 106, Fourth Paragraph

The word "building" is misspelled.

Page 106, 4.2.2., Second Sentence

The 9 in the phrase "remaining 9 WWTP's" should be changed to 8.

MSD-18 Page 106, Section 4.2.2.

This section discusses the Preferred Alternative proposed relief of 18 of the 26 small package plants in the area. The remaining 8 would then have to be upgraded to meet water quality standards or connected by force main to the Black Pond Interceptor. Were these upgrading costs included in the Cost Analysis for the Preferred Alternative? If so, which method was used?

MSD-19 Page 107, First Paragraph

The reference to Figure 2 should be changed to Figure 3.

Page 110, First Paragraph

The reference to Figure 2 should be changed to Figure 3.

MSD-17 Page 110, 4.2.3., Third Paragraph, Last Sentence

The stated interceptor O & M cost of $0.54/mile must be incorrect. A manhole cover cannot be lifted for $0.54/mile.

MSD-20 Page 111, Table 21

The costs listed in this table are not identified as being construction or project costs. If only construction costs, they are only slightly lower than the costs used in the FIA; however, if they are supposed to be project costs, they are off by 49%. Table 2 costs total $9,040,000, while FIA total project costs are $13,463,000.

In fact, the real feasibility of building sewers parallel to, and on both sides, in some cases, of Dixie Highway, does not seem to have been thoroughly investigated. Existing utilities (water, gas, electrical, etc.) are highly concentrated in the right of way, and the maintenance of traffic and local businesses' ingress and egress would appear to be especially difficult.

MSD-17. See Section 3.1 for correction.

MSD-18. Upgrading costs were included in the analysis for the preferred alternative. Upgrading requirements were determined by discharge option and concomitant treatment level required, as described in Section 4.2.3 (page 106) and Section 3.4.1 (page 77) of the draft EIS.

MSD-19. Reference to Figure 2 is correct, but the figure has been revised; see Section 3.2.1.

MSD-20. The costs in Table 21 are total project costs. Some of the individual costs were not listed as total costs; a revised Table 21 can be found in Section 3.2.3. The project costs referred to do differ in the present worth analysis and the Financial Impact Analysis because the assumptions regarding sewer placement in urban areas were changed after the present worth analysis and before the Financial Impact Analysis; costs in the latter analysis reflect the higher-cost assumptions and include additional consideration of the difficulties of building sewers along Dixie Highway. The increment is minor in relation to total alternative costs and does not change the outcome of the present worth analysis.

| | |
|---|---|
| Page 117, 4.3.8.<br>MSD-21 This section deals with local economy and finances. It states that the proposed system would have a beneficial impact to local economy by increasing the value of the properly along Dixie, but if the sewers are not sized for future growth, this future growth will be difficult and costly. | MSD-21. EPA does not oppose a local decision to proceed with a sewer system sized for alternative 7c. Any commitment of federal funds, however, would be based on alternative 7b, the most cost-effective alternative. |
| Page 123, Fourth Paragraph, Last Sentence<br>MSD-22 Conventional water treatment processes will not remove nitrates and excess quantities of ammonia, and BOD in the groundwater will make disinfection more difficult and costly. Disinfection will not reduce the reported high nitrate levels of the local groundwater (also repeated on page 124, 4.5.2., third paragraph).<br>Whether conventional or not, it is likely to be costly and no doubt some of these residences that are on well water are on it because they cannot afford to hook up to LWC. | MSD-22. The comments on water treatment are correct, but they do not alter the conclusion that it is less expensive to connect a relatively few residences to the public water system than to sewer the entire area. It should also be reiterated that 1) groundwater users should connect to public water under any alternative because of the time frame of implementing any alternative, and 2) there are no plans to use this groundwater as a public water supply in the forseeable future. |
| Page 123, Last Paragraph<br>MSD-23 This paragraph seems to indicate that the Preferred Alternative can be manipulated and moved around at will, like indoor plumbing, to accommodate shifts in development patterns or other trends. Sewer systems are difficult and costly to move once they are in the ground. | MSD-23. The paragraph alludes to maintaining flexibility for future wastewater management planning. It does not mean that sewers would be moved. |
| Page 181, Third Paragraph<br>MSD-24 The word "individual" is misspelled. | MSD-24. See Section 3.1 for correction. |
| Page 184, Penultimate Paragraph<br>MSD-25 The reference to Figure 2 should be changed to Figure 3. | MSD-25. Reference to Figure 2 is correct, but Figure 2 has been revised; see Section 3.2.1. |
| Page 222<br>MSD-24 "Meyers" is incorrect; it should be Myers. | |
| Financial Impact Analysis - General<br>MSD-26 This document does not address the financial impact of the EIS on the Mill Creek area or the community. It merely reports the estimated service charges which could be expected based on six very specific scenarios of construction alternatives. In fact, the study does not address: 1) the financial impact to the community of spending millions of dollars on plans and studies which will never be used; 2) does not discuss the financial impact of delaying the Master Plan all these years; 3) does not offer any alternative financing methods to help reduce service charges or bond requirements; and 4) uses this narrow based report as its sole response to the EIS's impact on the local economy and finances. | MSD-26. To the extent that the impacts in items 1 and 2 may have occurred, they represent "sunk costs," i.e., because they have already occurred, they are the same for all alternatives and do not affect the selection of any alternative. The objective of the Financial Impact Analysis was not to preempt local decisions on financing, but to see if any of the alternatives would have different impacts on MSD service charge or bond requirements. Assuming that existing financing arrangements would continue is the only equitable assumption available. |

Financial Impact Analysis

MSD-27 Figure 5 shows the West County Treatment Plant going on-line in 1994; that is really the 15 mgd expansion. The plant should be shown as going on-line in April 1988.

ECE2/B

MSD-27. Comment incorporated in revised Figure 5; see Section 3.2.9.

Jackie Swigart
Secretary

John Y. Brown, Jr
Governor

COMMONWEALTH OF KENTUCKY
**DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**
OFFICE OF THE SECRETARY
OFFICE OF SPECIAL PROJECTS
CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-[illegible]

**December 3, 1981**

Mr. John E. Hagan III, P.E.
Chief, E.I.S. Branch
Environmental Protection Agency
Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear John:

The Kentucky Department for Natural Resources and Environmental Protection serves as the State Clearinghouse for environmental impact statements. Attached are comments on the Draft Environmental Impact Statement, Mill Creek Area, Jefferson County, Kentucky, that the Department has received from other state agenices. These comments are submitted for your consideration in preparing the final E.I.S. on this project.

The Division of Water within the Department's Bureau of Environmental Protection is preparing comments which will be submitted as soon as possible.

Sincerely,

Rose Marie Carr

Rose Marie Carr
Environmental Review Officer
Office of Special Projects

RMC:bsc

Attachment

ENVIRONMENTAL IMPACT STATEMENT
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FRANK R. METTS
SECRETARY

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF TRANSPORTATION
FRANKFORT, KENTUCKY 40622

JOHN Y. BROWN, JR
GOVERNOR

November 2, 1981

Environmental Review
Office of Special Projects
Department for Natural Resources
  and Environmental Protection
4th Floor, Capital Plaza Tower
Frankfort, Kentucky 40601

Gentlemen:

Subject: E.I.S. Review 81-17, Jefferson County
Mill Creek Area Wastewater Facilities

The Kentucky Department of Transportation (KYDOT) is responsible for controlling both public and private usage of right-of-way of the State road system. Any firm, individual, or governmental agency desiring access to a State road or desiring to perform any type of work on State right-of-way must obtain a permit from KYDOT. A contractor performing the work must have in his possession at all times a copy of the permit, authorization letter, and detailed drawings of work to be done.

KYDOT encourages the use of private property for placement of utilities facilities where possible and practical; but we realize that in some instances highway rights-of-way are the only reasonable places to locate the proposed utilities. In these cases, we expect the conscientious efforts of both the applicant and the contractor to minimize adverse effects on the roadway and on the traveling public due to construction of the applicant's project.

KYDOT -1 Since State maintained roads US 31W, KY 1931, and possibly others, may be affected by this proposal, any proposed access or encroachment should be coordinated at the earliest possible stage with Albert V. Lemieux, Highway General Manager, P. O. Box 37090, 977 Phillips Lane, Louisville, Kentucky 40233, phone (502) 367-6411.

KYDOT-1. Coordination with KYDOT will occur during design.

Sincerely yours,

Thomas A. Scott

Thomas A. Scott, P.E.
Division of Design

TAS:lk

cc: Albert V. Lemieux

December 3, 1981

Charles R. Tucker
6305 Greenview Drive
Louisville, Ky 40216

Mr. John E. Hagan III P.E.
Chief E.I.S. Branch
EPA Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Hagan:

I should like to commend your office in selecting Mr. Ronald Mikulak as Chairperson of our most recent public hearing held on November/7th. His manner of direction at this meeting, as well as previous ones was rendered in a sincere manner with respect to those in audience participation.

The Home Owners Association, of which I am a charter member, is in a fair position with extensive research to judge the merits of our waste water disposal. Our septic systems have worked in a satisfactory manner for a number of years, and with proper maintenance will continue to serve well. We can not believe there is a real need for we who are on a fixed income (Social Security) to try to obligate our future by needless sewers and indebtedness.

The sandy, gravelly loam that is under this portion of South West Jefferson County causes our septic system to perform perfectly without a costly sum for another plan for waste water disposal.

CRT-1 We, therefore, endorse the 7B alternative as offered by your group for sewering Dixie Highway corridor for commercial sites, etc, and allowing us in a residential neighborhood to continue the use of our on site septic systems.

Respectfully,

Charles R. Tucker

Charles R. Tucker

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CRT-1. Comment noted.

SIERRA CLUB

CUMBERLAND CHAPTER

107 Tanglewood Trail
Louisville, KY 40223
December 7, 1981

Mr. John E. Hagan III P.E.
Acting Chief, Environmental Assessment Branch
EPA Region IV
345 Courtland Street, N. E.
Atlanta, GA 30365

Dear Mr. Hagan:

The following are comments by the Cumberland Chapter, Sierra Club, to the Environmental Impact Statement for proposed wastewater facilities in western Jefferson County, Kentucky:

The Cumberland Chapter joins with the Louisville and Jefferson County Board of Health in opposing the EPA's proposal for a scaled-down sewer plan for the Mill Creek area because:

SC-1 1. The area is now polluted from septic systems.

SC-2 2. Replacing these will ultimately cost residents $28 million.

SC-3 3. The scaled-down plan (alternative 7b) will not remove all the small package plants now discharging into surface waters.

SC-4 4. The scaled-down plan calls for relatively small-diameter sewer trunks serving the area immediately adjacent to Dixie Highway, leaving 17,000 residents dependent on septic tanks.

5. We are told that alternative 7b calls for sewer trunks of a size that could not accommodate the increased flow when residents now having septic tanks later realize that their health depends on hooking up to a municipal treatment system.

SC-5 6. If so, the EPA recommendation, made in the ostensible interest of cost effectiveness, is not cost-effective because it will prevent residents from making use of an inadequately-sized sewer system, cost them millions of dollars to replace ineffective septic tanks with equally ineffective ones, and guarantee a progressive degradation of our water quality.

For the above reasons, we recommend that EPA proceed with the original 201 plan.

Sincerely,

TomWesterlin

Tom Westerlin, member
Cumberland Chapter
Executive Committee

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SC-1. The EIS documents that the groundwater is not acceptable as an untreated water source and recommends that families now using the groundwater connect to the public water supply. None of the alternatives, including the regional sewer, would mitigate this immediate need because of the time needed to have a sewer system installed and operating. There are other environmental concerns in Jefferson County that could be mitigated more effectively through the use of federal sewer funds.

SC-2. The cost for replacing septic tanks during the planning period was included in the present worth analysis. In terms of cost, replacing and maintaining septic tanks is less expensive than installing and operating a central sewer system.

SC-3. The remaining small treatment plants would have to be upgraded to meet NPDES limitations.

SC-4. The overwhelming majority (98-99%) of the people in the study area are served by public water, so their health is not threatened by septic tank/seepage pit systems.

SC-5. EPA does not concur that the larger-sized system in alternative 7c is more cost-effective. Local agencies may implement 7c if they desire, but federal funds will only be available to the extent that funds would be available for 7b.

Water Quality Advisory Board
WQAB

2500 Hermitage Way
Louisville, Kentucky 40222
(502) 425-3345

December 4, 1981
RE: Mill Creek Draft EIS

Mr. John Hagan, Acting Chief
Environmental Assessment Branch
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Hagan:

The Water Quality Advisory Board (WQAB) was designated by the Governor of Kentucky and under the EPA 208 Program to advise and consult with the State and EPA on water quality issues. Enclosed are the comments and advice of the WQAB on the Mill Creek Draft EIS.

I. GROUNDWATER

A. The EIS groundwater program made numerous assumptions and conclusions which are not substantiated by the groundwater sampling.

WQAB -1

1. Appendix B (Page 79) and Figure 33 (Page 80) state that effluent from seepage pits move vertically to the middle of the groundwater table and solid rock level and then directly west to the Ohio River. Page 79 includes the statement, "Thus, the relative positions of polluted water under dry and rainfall conditions cannot be determined without aquifer modeling."

Comment: EPA has assumed that effluent waters and pollutants follow a vertical path directly to the aquifer and then west to the Ohio River. However, pollutant sampling for nitrates and fecal coliform bacteria show that the higher concentrations are in the shallow wells rather than the medium or deep wells. Even more probable are clogged soils below the seepage pits with bacteria-laden solids that surface in Mill Creek as the Ohio River rises and the groundwater level rises, polluted seepage that reaches Mill Creek in dry weather via a more horizontal route, or seepage that pollutes shallow levels of groundwater.

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WQAB-1. The general discussion in Appendix B of the Draft EIS of effluent and groundwater movement was not meant to imply that effluent moves "vertically to the middle of the groundwater table and solid rock level and then directly west to the Ohio River," to quote Mr. Winfrey. The schematic illustration in Figure 33 may be misleading in this respect. Rather, the statement is made in the appendix that "effluent from seepage pits travels toward the groundwater with a particular vertical velocity." The effluent would also diffuse horizontally, to some extent, as it moves down in the aquifer until it reaches the water table; and as soon as it enters the groundwater, it would be subject to the natural horizontal velocity component of the groundwater. Both the vertical and horizontal vectors would vary with precipitation and infiltration, thus "the relative positions of polluted water under dry and rainfall conditions cannot be determined without aquifer modelings," as stated in the appendix.

EPA concurs that nitrate concentrations tend to be higher in the shallow wells than the medium-depth or deep wells, as stated on pages 58 and 81 of Appendix B. EPA does not concur with a similar conclusion for fecal coliforms. The percentages of positive samples were 32 (41/127), 38 (50/132), and 36 (52/144) for the shallow, medium-depth, and deep wells, respectively. The median organism counts of the positive samples were 25 per 100 mL, 23 per 100 mL, and 28 per 100 mL, respectively.

The data available are not sufficient to test the hypotheses that bacteria-laden solids from seepage pits surface in Mill Creek in dry weather via a more horizontal route. These events do not seem "more probable," however, because 1) most of the septic tank effluent is discharged through seepage pits connected directly to the Ohio River aquifer, 2) vertical movement into the sand-and-gravel aquifer is hydraulically preferable to horizontal movement through the more-impermeable silts and clay above the aquifer, and 3) movement of bacteria-laden solids from the aquifer upward through 10-20 feet of silt and clay to Mill Creek is highly improbable.

WQAB-2

2. The EIS states the aquifer can handle more seepage from additional septic tanks and that the groundwater was found suitable for development as a treated public water supply.

Comment: Residential growth in the area under alternative 7b would add either septic tanks or package treatment plant increases. Existing groundwater sampling and the lack of groundwater modeling fail to provide estimates of future groundwater quality.

B. Recommendations

WQAB-3

EPA has provided assumptions of groundwater pollution and mechanics, but groundwater data do not support the assumptions. The WQAB recommends that groundwater modeling and additional sampling are performed to determine existing conditions and project future impacts of selected alternatives.

## II. SURFACE WATER QUALITY

### A. Mill Creek

WQAB-4

1. EPA did not perform water quality or aquatic life sampling for Mill Creek surface waters. Yet, the report concludes that under "normal" conditions the existing treatment plants would provide low risk bacterial contamination (Page 18).

Comment: EPA provided no surface water quality data in the EIS and utilized aquatic life data from streams other than Mill Creek. "Normal conditions" for Mill Creek based upon recent WQAB sampling of the area streams show that Mill Creek exceeds fecal coliform standards by 40 times (>200,000 colonies/100 ml), while the other five major streams were less than the 5,000 colonies/100 ml Kentucky standard. In addition, a malodorous, black sludge blanket was present from Orell Road to the Ohio River. Indication of septic tank seepage reaching Mill Creek and prolonged wet weather flows also complex the existing package treatment discharges.

Aquatic life in Mill Creek has not been documented, and EPA's assumption that the 21 fish found in Beargrass Creek will parallel those in Mill Creek is a broad assumption.

WQAB-2. Comment is accurate--future growth may be served by septic tanks or by sewers, and modeling of future groundwater quality was not done.

WQAB-3. EPA believes the analysis was sufficient for the purpose of the EIS. As stated in the draft EIS, however, EPA encourages the establishment of a local monitoring program in areas that could not be connected to the public water supply. The sampling wells that were installed for the EIS groundwater program are available if local agencies would like to maintain them for future sampling.

WQAB-4. WQAB has been represented at technical review committee meetings throughout the EIS process, but has not submitted any "recent" water quality data to EPA. EPA has not seen any data showing an "indication of septic tank seepage reaching Mill Creek." The data presented in this comment are consistent with the conclusion of the EIS that water quality has been degraded by discharges from the 25 existing package treatment plants. Only one of these plants is currently designed at treatment levels necessary to protect the water quality of the intermittent streams.

There are no data on the aquatic biota of Mill Creek. Since Beargrass Creek and Mill Creek are similar with respect to hydrology, water quality, and surrounding land use, it is not unreasonable to assume that the species composition of the fish communities will be similar. No data have been received that contradict this assumption.

WQAB-5

2. EPA states that the remaining package treatment plants of alternative 7b will meet standards because of reduced total discharges. EPA also states that the 1974 WQMP modeling provides the basis for treatment levels of retained plants.

Comment: The modeling in the 1974 WQMP was based upon the total flow of package treatment plants existing in 1973. A reduction in total flow for the smallest creek in the area should require that remaining plants meet even more stringent standards than those recommended in the 1974 WQMP. EPA is again assuming that no septic tank seepage will enter Mill Creek, but if it does, then the lower streamflows will be easily polluted by even small amounts of seepage.

B. Recommendations

WQAB-6

EPA should provide surface water quality sampling and modeling to justify that the selected 7b alternative will meet water quality standards. Operation and maintenance requirements for treatment plants and enforcement of NPDES permits and stream standards should be carefully outlined by EPA.

III. CONCLUSIONS

The Mill Creek Draft EIS is based upon unsupported assumptions for groundwater and surface water, and given monitoring data for groundwater does not support groundwater assumptions. Groundwater and surface water modeling and further sampling are required to justify selection of an alternative.

Cordially,

Andrew J. Winfrey

Andrew J. Winfrey
Coordinator

cc: WQAB Members
Ms. Jackie Swigart, KDNREP

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[illegible]
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WQAB-5. Surface water quality will improve under alternative 7b, because pollutant loadings will decrease for two reasons: 1) most small-plant discharges will be eliminated; 2) those that remain will have to meet strict NPDES limitations.

The 1974 WQMP modeling determined the total allowable BOD loading from a single discharge for a regional treatment plant at any point on Mill Creek. To determine specific limits for a plant from this model, the average daily discharge would have to be known. The implication, however, is that as volume of discharge decreases, the allowable concentration of pollutant increases.

The effluent limitations shown in Table 7 of the draft EIS are those contained in previous discharge permits issued by the Commonwealth of Kentucky. Preliminary modeling done by the Kentucky Department for Natural Resources and Environmental Protection in 1981 determined that effluent limitations for the existing package treatment plants would range from 10 to 30 mg/L BOD. Since a limitation of 10 mg/L was assumed for the EIS, the costs for upgrading the treatment plants are a conservative estimate.

Final discharge limitations for individual treatment plants have not been determined by the EIS. Whatever modeling is needed to determine these limitations will be done in the normal process of writing NPDES and state discharge permits.

WQAB-6. Previous modeling from the 1974 WQMP, the 208 Plan, and Kentucky DNREP is sufficient to show that water quality standards can be met by alternative 7b. Specific effluent limitations will be determined when a water quality model is run for establishing NPDES and state permit requirements. These permits will also contain requirements for effluent monitoring and reporting. The local health department and KDNREP have mechanisms for monitoring treatment plants and enforcing permit conditions.

**CARL BROWN**
**JEFFERSON COUNTY COMMISSIONER**

December 9, 1981

Mr. John E. Hagan, III, P.E.
Chief, EIS Branch
EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Hagan:

I attended the November 17, 1981, hearing on the Mill Creek Area Draft Environmental Impact Statement at Pleasure Ridge Park High School. I have an active, ongoing interest in the subject, both as an individual and as an elected representative, and felt a sense of relief at the prospect of real movement in the direction of resolving the waste water disposal problems in Southwest Jefferson County.

It has been months since the public officials and citizens of this county first learned that there were plans afoot to re-examine the massive sewer program originally proposed for homes and businesses in the Mill Creek area. While most county and Metropolitan Sewer District officials favored the first plan, I had to agree with area homeowners that it was seriously flawed. Among its many problems were its questionable necessity and its enormous cost.

CB-1 I must again join what I am sure is a majority of the community's residents in welcoming the scaled-down (7b) version as a superior alternative to its predecessor. In formulating and presenting a new plan that is both environmentally sound and cost-effective, your agency has proven itself responsive to the needs and desires of individuals in their respective communities.

CB-2 This administrative change of heart represents federal recognition of the Southwest County's natural environmental distinctions -- an aquifer with adequate filtering capabilities. It also represents recognition of

JEFFERSON COUNTY COURTHOUSE LOUISVILLE, KENTUCKY 40202 TELEPHONE (502)581-5893

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Mr. John E. Hagan, III, P.E.
Page Two
December 10, 1981

the very real financial hardship to homeowners that an indescriminate, all-inclusive sewer program would impose. Your agency has shown itself willing to "take another look" at a decision when citizens publicize factors deserving of additional consideration. The EPA's role in this kind of cooperation is proof that federal agencies can address community needs without trampling community rights.

I realize that we have yet to find a final solution to Southwest Jefferson County's waste water disposal problems. However, that process can only be made smoother if the EPA and the people it serves continue to act in the same spirit of cooperation that we have recently observed.

Very truly yours,

Carl Brown

Carl Brown
Jefferson County Commissioner

CB/LAP/ph

cc: Mr. Bob Watson, Editor
The Southwest News

Mr. Ed Stumler, Editor
The Shively Newsweek

CB-1. Comment noted.

CB-2. EPA does not concur that the aquifer has "adequate filtering capabilities." Seepage pits effectively discharge directly to the sand and gravel aquifer, and although some treatment may occur, the glacial sands and gravels should not be perceived as a natural filter.

ENVIRONMENTAL
REGION IV

JACKIE SWIGART
SECRETARY

JOHN Y. BROWN JR.
GOVERNOR

COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
OFFICE OF THE SECRETARY
FRANKFORT, KENTUCKY 40601
TELEPHONE (502) 564-3350

February 23, 1982

Mr. John E. Hagan, III, P.E.
Chief, EIS Branch
Environmental Protection Agency
Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Hagan:

The Draft Environmental Impact Statement (DEIS) on the Mill Creek Area in Jefferson County, Kentucky, discussing proposed wastewater facilities for southwest Jefferson County has generated substantial concern among various groups within the county. The Department has thoroughly reviewed the DEIS and the comments submitted by local groups. Departmental staff have also met with representatives from Jefferson County to discuss the impact of the alternative recommended by EPA in the DEIS on the future of Jefferson County.

The major alternatives that have been discussed by other commenters are:

Alternative 7a-Limited regional sewer system, existing septic tanks and increased small wastewater treatment plants (future development could connect to existing interceptor system).

Alternative 7b-Limited regional sewer system, expanded septic tanks and reduced small wastewater treatment plants (future development could connect to existing interceptor system).

Alternative 7c-Limited regional sewer system with full capacity and existing septic tanks until hooked up to regional system.

DNREP-1 The alternative tentatively selected by EPA is 7b. This alternative is unacceptable to the KDNREP because it encourages increased use of septic tanks that may contribute to existing pollution problems in the Mill Creek Watershed and it will result in the construction of a sewer system without the capacity to handle additional growth in this area of Jefferson County. The Department endorses the system described in Alternative 7c. This alternative addresses the serious problems along the Dixie Highway Corridor. This recommendation also does not preclude full implementation of the 201 Regional System at some point in the future. However, it acknowledges the current economic limitations to immediate implementation.

Although this recommendation does not address the problem of continued use of existing septic tanks by residential occupants in this area of Jefferson County, it does not encourage increased use of septic tanks as does Alternative 7b. Implementation of the proposed system will also reduce the potential for increased pollution of the Mill Creek Basin Aquifer.

DNREP-2 Attached are comments from the Division of Water on specific points in the DEIS. The Department would also like to make note of the comments submitted by the Water Quality Advisory Board. These comments seriously challenge the scientific base of the conclusions in the DEIS and require a response in the FEIS concerning their merit and their effect on each alternative.

The Department submits these comments for your consideration in finalizing the EIS on this project and hopes that the responses to these concerns in the Final EIS will provide assistance in the resolution of these critical issues.

Sincerely,

Jackie Swigart

Jackie Swigart, Secretary
Department for Natural Resources
and Environmental Protection

JS:kp

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cc: Don Ridings, Secretary, Jefferson County Environmental Policy Office
T. S. Wallace, Jr., Secretary, Louisville & Jefferson County Board of Health
Jeff Elseroad, Gannett-Fleming Engineers
Mike Taimi, Acting Commissioner, Bureau of Environmental Protection
John Smither, Director, Division of Water, KDNREP
Rose Marie Carr, Office of Special Projects, KDNREP

DNREP-1. EPA does not "encourage" increased use of septic tanks; the disposal of wastewater from future residences is a local planning issue. The EIS only recognizes that alternative 7b is the most cost-effective solution to solving present environmental problems. Local agencies may proceed with alternative 7c if they prefer; however, federal funds will only be available to the extent they would be for alternative 7b.

DNREP-2. The comments of the Water Quality Advisory Board have been addressed previously in this section.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
BUREAU OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER

Comments on the DEIS on the
Mill Creek Area in Jefferson County, Kentucky

- Pages 17, 20, 122, and 123

DNREP-3 The aquifer of the Mill Creek basin is characterized as not suitable as an untreated drinking water source due to the detected presence of nitrates and bacteria (Page 17). On Page 20, paragraph one, the DEIS indicates that the groundwater would be suitable for consumption with the application of conventional disinfection. The Division believes the DEIS should be expanded and revised to indicate that disinfection only affects bacteria, but does not reduce the nitrate hazard.

DNREP-4 On Page 17, the DEIS indicates that the residents in 300-600 homes using groundwater as a drinking water source should spend $1,000 to $14,000, with an average of $2,000 per home, to connect to the local public water supply system (Louisville Water Company). However, because the local residents have already strongly objected to a connection fee of $3,000 for MSD sewers, the Division believes that they will not approve this proposed expenditure either, thereby perpetuating the use of the Mill Creek alluvial aquifer as a water supply source.

DNREP-5 On Pages 17 and 20, the DEIS states that local agencies are to "encourage" connection to the public water supply. Neither the state nor local agencies have the authority or the funds to force these connections. Many statements at public meetings indicated that residents of the area believe that the source of their longevity and virility is related to continued use of private water supplies. Additionally, these residents believe that the Louisville Water Company supply contains cancer-causing chemicals and, as a result, fear connecting to it for their drinking water. Recognizing these attitudes, EPA must be aware that very few, if any, of these connections will be made. Accordingly, the Division does not believe that (a) public health issues can be compromised for purely financial considerations and (b) selection of an alternative which leaves serious public health problems for future generations is prudent. The Division believes that use of the word "encourage" in the DEIS does not relieve EPA of any responsibility with respect to future illness. Under the selected alternative, 7b, the existing problem can only become worse.

DNREP-3. EPA agrees that disinfection does not reduce the nitrate level in drinking water. The EIS groundwater program demonstrated that several shallow wells contained nitrate levels in excess of the drinking water standard. The average nitrate level of all wells sampled, however, was 1.5 mg-N/L; well below the 10 mg-N/L standard. (The average reading for shallow wells was 3.1 mg-N/L, 1.0 mg-N/L for medium-depth wells and 0.3 mg-N/L for deep wells). It is therefore expected that Mill Creek area groundwater would generally not pose a nitrate problem if used as a public water supply source. The conclusion of the groundwater study, moreover, is not that groundwater users should try to treat the groundwater, but that they should discontinue its use altogether and connect to the public water supply system.

DNREP-4. Given that the groundwater is unacceptable as an untreated drinking water source, it is a local public health responsibility to encourage groundwater users to connect to the public water supply or, at least, to apprise them of the possible consequences of continuing to use the groundwater. In any event, this argument is not relevant to the selection of a wastewater management alternative, because even the regional sewer system would not remove all the septic tanks for a least ten years.

DNREP-5. Drinking water and public health have traditionally been local responsibilities. EPA has not seen any data to show that the public water supply is carcinogenic and has no reason to believe that it does not provide a suitable alternative to the groundwater. EPA does not believe that large expenditures of sewer funds in the Mill Creek area are a cost-effective answer to present pollution problems.

- Page 29

DNREP-6 KRS stands for "Kentucky Revised Statutes." The state's regulations are entitled "Kentucky Administrative Regulations." The correct citations in the order given in Table 5 are as follows:

KRS CH 94
KRS CH 107
KRS 224.223 to 224.237
KRS 318.310 to 318.330
815 KAR 20:130 to 20:191

Louisville-Jefferson County Board of Health
Sanitary Code

CH. 3 Sec. 303.501 to 303.805
CH. 3 Sec. 304.401 to 304.407

- Page 53

DNREP-7 In Table 7, application of blanket limits is not the usual practice. Some wastewater treatment plants will require stringent limits, e.g., ammonia treatment, while other plants will not require such limits.

- Page 55

DNREP-8 The Division of Plumbing of the Department of Housing, Buildings, and Construction is responsible for permitting discharges from wastewater treatment plants into on-site disposal systems (disposal wells). The Division of Plumbing may object to permitting discharges of the size proposed here.

DNREP-9 The Division of Water believes the FEIS should address the disposition of the sludge created as a result of primary treatment. Sludge disposition was not covered in the DEIS.

- Page 65

DNREP-10 The removal of the septic tank ban is a purely local decision, and the Division believes that the adoption of an opposing position by EPA exerts unnecessary pressure on the Louisville-Jefferson County Board of Health.

- Page 90

DNREP-11 The West County Wastewater Plan is classified as Class III reliability.

DNREP-6. Table 5 has been corrected; see Section 3.2.7.

DNREP-7. Throughout the EIS process, the discharge limits for small treatment plants were considered to be the same for all plants, because those limits were endorsed by the 1974 Water Quality Management Plan and DNREP. Only within the past year has DNREP run a preliminary water quality model for the Mill Creek area to estimate specific limits for each plant. That analysis showed that the previous assumption is conservative, i.e., no plant would have to upgrade its facility for limits more strict than those assumed. The evaluation of alternatives, therefore, is not affected.

DNREP-8. The Division of Plumbing has not commented on the DEIS. Subsurface discharge is only one alternative; others are available if one is precluded by local policy.

DNREP-9. The issue of primary sludge disposal is not relevant to this EIS. Primary sludge will be generated whether the sewage is treated in a small plant or a regional plant.

DNREP-10. EPA agrees that the use of septic tanks in the Mill Creek area is purely a local decision.

DNREP-11. Correction noted; see Section 3.1.

- Page 96

DNREP-12 It is the Division's opinion that upgrading small sewage treatment plants would be a low priority within the existing federal construction grant priority list system, and would probably never receive such support.

- Page 123

DNREP-13 Current data indicates that the groundwater level is increasing due, in part, to lack of use. Since this trend is expected to continue at the present rate, the Division believes that the FEIS should identify how long it will be before seepage pits will fail to function. If this occurs, the FEIS should also examine what mitigative measures might be available.

- Page 184

DNREP-14 The DEIS has identified septic tank failures and indicated that the failures are related to lack of maintenance. Yet, the DEIS does not recommend solutions to the problem; and the recommended alternative (7b) of this DEIS proposes a significant increase in the same type of system that currently fails because of poor maintenance. The Division believes that these positions should be reconsidered in the FEIS.

- Pages 204 to 215

DNREP-15 In Tables 50 through 58, the scale and weighting are not described sufficiently for the data to be useful. There is no projection comparing the cost to the Mill Creek area residents of sewage hookups (initial fee and user charges) with septic tank repair and replacement. The FEIS should be revised to provide this comparative analysis.

DNREP-12. Setting the priorities for construction grants is a State prerogative. Privately owned plants are not eligible for federal funds.

DNREP-13. The data indicate rising groundwater levels in downtown Louisville where pumping for water supply has been largely discontinued. The data do not indicate that the same is happening in Mill Creek. Even if such were indicated, it would not be possible to extrapolate future water levels that would affect seepage pits. Section 2.4 recognizes, though, that at some future time this possibility could affect wastewater management priorities in the Mill Creek area.

DNREP-14. Septic tank failures are usually due to inadequate pumping of septic tank sludge. The majority of septic tank failures in the Mill Creek area are those serving commercial establishments along Dixie Highway. The EIS selected action would relieve these malfunctioning systems while allowing the residential on-site systems to remain. Although the bulk of failing septic tank systems will be eliminated, the requirement for maintenance af the remaining septic tank systems will not be eliminated and is viewed as a local responsibility.

DNREP-15. Impact analysis is not a quantitative science. Tables 50 through 58 do not present data as such, but reflect the combined judgements of the scientists, engineers, and planners who evaluated the impact. The tables show whether an impact was considered adverse or beneficial and whether the degree of impact was minor, moderate, or significant. These latter terms cannot be quantified, but have subjective sense that was explained in the draft Alternatives Evaluation Task Report:

> Significant impacts may be direct or indirect environmental consequences that violate laws or governmental standards, policies, or plans, or create unknown risks to the general environment or injury to individuals and the community at large.

*Moderate* impacts are environmental consequences that are of concern in decision making, but are of less importance than significant ones.

*Minor* impacts are those environmental consequences that do not weigh heavily in the selection of an action.

Costs for operating septic tank systems and for replacing those systems were included in the present worth analysis. For the entire area, then, the costs of using septic tanks versus using a sewer system have been compared. For individual users, the costs for a septic tank system are shown in Table 11 of the DEIS:

$1,800 capital cost for replacement
$40/year operating cost

The costs for the sewer system are estimated on page 5 of the DEIS as:

$3,000 connection fee
$120/year user charge

The costs are directly compared in Table 17 of the DEIS, where the annual equivalent cost is $0.85/thousand gallons for septic tank users and $3.00/thousand gallons for users of a regional sewer system.

# CHAPTER 5

## EPA proposes drastic cutback in Dixie sewers

By JIM DETJEN, LESLIE ELLIS and SHELDON SHAFER

[illegible]

## EPA Announces Change In Sewer Project

Officials of the Environmental Protection Agency (EPA) office in Atlanta this week officially notified members of a citizens review committee that major revisions in the proposed Mill Creek Basin sewer project are going to be made.

A letter from EPA's regional administrator Rebecca W. Hanmer says EPA officials have scheduled a meeting for June 24, 7:30 p.m., at the Southwest Government Center, 7219 Dixie Highway, to study the recent decision.

According to an EPA spokesman in Atlanta, EPA's recently made decision not to extend sewers to thousands of homes in the Southwest Jefferson County area west of Dixie Highway basically supports contentions made by area residents three years ago.

Those contentions, which are outlined in Ms. Hanmer's letter, were that area septic tanks worked properly and adequately handled residential sanitary waste needs, that the cost of sewers plus hook-up fees were high and would be an unnecessary burden for low income homeowners, that a public sewer service should not be provided for the Riverport Industrial Complex, and that the entire sewering of Southwest Jefferson County was "questionable."

## EPA stand on sewer project worries officials

### Ground-water problems seen in the future

By PATRICK HOWINGT' N
and CAROLYN GATZ
Louisville Times Staff Writers

While a federal Environmental Protection Agency proposal not to have sewers built in subdivisions west of Dixie Highway could save,

a member of the state Water Quality Advisory Board for this area.

In the mid-1970s, Hoge served in a citizens' committee that drafted a plan for building sewers throughout the county. Today he and other members of that committee said they are surprised that the EPA would turn away from the plan.

"A lot of those people over there west of Dixie Highway need those sewers," said Opal Foity, a Fairdale resident who served on the committee. "I have been told people that when it's hot their neighborhood you

install sewers countywide at a cost of $500 million."

The federal government would have paid about three-fourths of that. But many homeowners, who would have had to pay expensive hookup costs, protested.

The Homeowners' Association, southwest county group, sued EPA and forced it to do an environmental-impact study and look at alternatives to widespread sewer construction in southwest areas. Much of the

western Jefferson County from $130 million to between $40 million and $75 million.

A public hearing will be held this fall before EPA makes a final decision. But many southwestern county residents, who say current septic tanks are adequate, can be expected to back the scale-down plan.

"That's what w. ve been working for all along," said Rubin Walker Jr., the Homeowners Association's president.

[illegible]

## Officials disagree on consequences of EPA proposal on sewer project

Continued from Page One

countywide program," Howard said.

But some local officials weren't so sure.

MSD spokesman John Tierney said the EPA plan could make the practice of assessing homeowners for sewer hook-up fees subject to a challenge in court.

He said the EPA recommendation could be interpreted as a judgment that septic tanks are on an equal footing with sewers. That, he said, could raise "real questions" about past assessments, based on the assumption that sewers are superior to septic tanks and improve property values.

Robert Bowman, executive director of the city-county Planning Commission, said yesterday that without a complete sewer system, the southwest "will not be developed as intensely as it could have been." Areas considered ripe for development may be viewed differently if they don't have sewers.

The EPA's Howard disag
said he doesn't see the EP
"stifling development in
He said the city-county
partment may want to
regulations to determine
any changes are needed.

In 1974, at the EPA's
county drew up a $500
countywide plan for the

of sewers. It balanced the costs of construction, maintenance and operation against the number of new customers who would meet the costs.

In 1977 the county sold $23 million in bonds, as the first installment of its 25 percent share of sewer construction costs.

Revenues from hook-up fees are used to help retire the bonds.

County Attorney J. Bruce Miller said yesterday that the EPA's proposal to exclude 17,000 new customers, and to deprive MSD of the hook-up fees, presents "a rather dangerous situation. ... It could have an extreme adverse impact on the bonding capacity of the county."

He said an EPA decision to limit sewer construction "may not be as easy to do as they say. I don't know that they can do that."

However, Miller said he isn't sure what powers the county might have in the matter.

The EPA is studying the financial 17,000 customers wouldn't jeopardize the countywide plan.

MSD officials said yesterday that with all the delays and uncertainties, it is hard to tell when, or whether, the countywide plan will be completed.

If the expansion proceeds, some work in relatively remote parts of the southeast and northeast will run well into the next century, said Edward Myers, MSD's assistant chief engineer.

But an expert in Louisville said yesterday that construction of sewers in the northeastern part of the county seems likely.

"EPA is convinced there is a septic-tank problem (in that area), and I am confident EPA will recommend sewers," said Charles Weller, the city-county health department's assistant director of environmental health.

Weller and Myers noted that septic-tank failures in the northern part of the county are more serious than

## Alarming message

### *Sewer decision to be costly to county*

Don't blame — or credit — a recently-released environmental impact statement for scuttling the plan to extend sewers to 17,000 Southwest Jefferson County homes. Although the Environmental Protection Agency cites the study as grounds for recommending septic tanks over sewers in the area, that is only one of several factors underlying the decision.

A long history of government mishandling, delay and perhaps even misconduct are among them. Yet, the predominant reason may well be that the federal plan of a decade ago to install sewers in every major American urban community has simply become, in light of the harsh fiscal realities and conservative political climate of 1981, an impossible dream. President Reagan's proposed budget for the year beginning Oct. 1 allocates no federal money for new sewers. Yet, as recently as 1976, when dozens of communities were supposed to be under a federal mandate to build massive new sewer systems, the 20-year cost to Jefferson County alone was estimated at between $500 million and $875 million.

That was also the year when, during
the Kentucky Gen-
on, a small army of
yers and engineers
eared in Frankfort
s to bring about the
nty. Heavy-handed
warning that the
up to $100 million
less action was im-

a hard sell of the
ing was bad. The
months after the
gregation order, op-
usly in precisely
e county — South-
lona — targeted for
in memory was
avory effort to pay
udge Hollenbach's
ign debt by solicit-
from potential sew-

ers of sewering the
by the insistence of
should be extended
Orell Road first to
the area west of Dixie Highway, where
septic tanks worked best, rather than to Fairdale and Okolona, where they worked worst, if at all. That plan, later dropped, seemed to serve local government's financial needs rather than the community's health needs.

The sewer legislation failed during the regular session of 1976 but passed nine months later during a special session. Nevertheless, a group of Southwest residents continued to oppose it, finally forcing EPA to make the environmental impact study. Sewer backers lamented that it would cause costly delays of up to 18 months.

Never overestimate the EPA. That was 42 months ago, and loose ends of the study remain to be tied up. The message, however, is chillingly clear. There has been a complete turnaround in federal policy which some local officials flatly consider disastrous. The EPA action, they claim, has not only dashed hope of extending sewers west of Dixie Highway but clouded the chances of installing them elsewhere, including the new Riverport Authority.

In addition, county officials charge that EPA has reneged. The county sold $23.5 million worth of "seed-money" bonds to finance initial work, on the assumption that EPA was committed to the project. Now, there is doubt about when — if ever — the trunk lines built with that money will be used.

If, as EPA recommended, septic tanks are the preferable disposal method for the area, development certainly will be impeded. Underground water pollution will probably also increase, although there is no indication yet that it is approaching dangerous levels.

In the long run, it may cost the Dixie Highway area residents more to replace aging septic systems and small package plants than hooking up to sewers. But at least little, if any, harm will be done to the community's health by excluding that area.

That can't be said of other areas, however, and that makes the message from Washington far more alarming for the rest of us. No matter how desperately sewers are needed in some other areas, we are being told, or how expensive they are, we will have to finance them ourselves as long as this administration remains in office.

**Times Editorial**

## Public hearing on sewers is tonight

Area residents will get a chance to comment tonight on a federal plan to build a scaled-down sewer system in southwest Jefferson County.

A public hearing on the environmental-impact statement for the Mill Creek sewer project will be at 7:30 p.m. at Pleasure Ridge Park High School, 5901 Greenwood Road.

In June the U.S. Environmental Protection Agency recommended that sewers be built only along the Dixie Highway industrial and commercial strip. An earlier proposal called for sewers there and through subdivisions west of Dixie Highway.

But many of the 17,000 homeowners in the area opposed the initial plan because of $3,500 hookup charges and because they believe their septic tanks are adequate.

Jefferson County officials contend that the scaled-down plan could hurt economic growth in the area, contaminate groundwater with sewage and cause public health problems.

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